United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *108th* CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, MONDAY, OCTOBER 4, 2004 *No. 123*

House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. SHUSTER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 4, 2004.

I hereby appoint the Honorable BILL SHUSTER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from California (Mr. DREIER) for 5 minutes.

H.R. 10 WILL IMPROVE HOMELAND SECURITY

Mr. DREIER. Mr. Speaker, this week we will consider what is perhaps the most significant piece of legislation of this Congress. Following the tragic events of September 11, 2001, we all recognized that we had to take dramatic steps to ensure that it never happens again. H.R. 10, the 9/11 Recommendations Implementations Act, is the culmination of years of extensive study, debate and dedication by those who are committed to improving our Nation's homeland security.

I am proud to be an original cosponsor of this important bill introduced by the gentleman from Illinois (Mr. HASTERT) not only because it takes extensive steps to reform our intelligence agencies, but also because it addresses a critical threat to our national security: The porous nature of our borders. We know it is far too easy for illegal immigrants to cross the border into this country, and we cannot ignore the fact that terrorists can gain access to the United States this way.

So I am particularly pleased that as we worked on this bill, we were able to include measures to strengthen our ongoing efforts to eliminate illegal border crossings. This legislation adds 10,000 new border patrol agents to intercept illegal immigrants and potential terrorists, as well as 4,000 new immigration enforcement investigators to track illegal immigrants down within our borders. These 14,000 new agents are badly needed and will immediately improve illegal immigrant interdiction and interception operations.

Additionally, H.R. 10 allows for expedited deportation of illegal immigrants and limits the ability of potential terrorists to claim political asylum to avoid being repatriated to their home country. All of these measures will upgrade our ability to win the battle that is taking place every day along our borders.

Perhaps most notably, H.R. 10 includes provisions to counter the explosive increase in identity fraud committed by illegal immigrants and terrorists. This issue is of paramount concern to me, because I firmly believe that if we can eliminate job access for illegal immigrants, then we will be much closer to completing our ultimate goal of eliminating illegal immigration.

In fact, Mr. Speaker, T.J. Bonner, a 26-year veteran of the Border Patrol, and president of the National Border Patrol Council, estimates that we can eliminate as much as 98 percent of illegal border crossings if we can give employers access to verifiable identity information on prospective employees and if we crack down on employers who hire illegal workers. Ninety-eight percent is a remarkable number, and it would allow the Border Patrol to focus on targeting criminal aliens and terrorists.

Because of this, Mr. Speaker, I introduced H.R. 5111, the Bonner Plan, to improve the security of our Social Security cards and provide a method by which employers could immediately verify the authenticity of that Social Security card. My bill would also increase fines for hiring an illegal worker by 400 percent, and provide for prison sentences of up to 5 years per count.

A major first step toward passage of the Bonner plan in its entirety has been the inclusion of very important provisions to combat identity fraud in H.R. 10 which we will be passing as I said this week. H.R. 10 includes new Federal minimum standards to ensure the integrity of both driver's licenses and birth certificates, both of which are widely used source documents which allow illegal immigrants to obtain other documents and access to social services. These new Federal standards will increase the difficulty for illegal immigrants to hide the true nature of their illegal status in our country.

And similar to the Bonner plan, H.R. 10 improves the privacy and integrity of an individual's Social Security number, limits the number of replacement Social Security cards a person may receive, and investigates whether the Social Security number itself can be used as a tool to verify a worker's authorization to work in the United States. All of these provisions are vitally important to the war against illegal immigration and the war on terrorism, so I stand here today to enthusiastically express my support for passage of H.R. 10 with the immigration measures fully intact.

Since I introduced it on September 21, the Bonner plan, H.R. 5111, has received interest and support from many of my colleagues, including Senators KYLE, CORNYN and CHAMBLISS. The bill also garnered a unique group and I believe unprecedented group of bipartisan cosponsors, including the gentleman from Texas (Mr. REYES), a past chairman of the Congressional Hispanic Caucus, as well as the gentleman from Colorado (Mr. TANCREDO), the chairman of the Immigration Reform Caucus. We all share the goal of eliminating illegal immigration, and I hope very much that we are able to see full and enthusiastic support for H.R. 10 as we move ahead with it this week.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 37 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the SPEAKER pro tempore (Mr. PETRI) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

As a clear, cool westerly blows across the Nation and the somber tones of autumn settle upon us, the Members of the House may be called to a syncopated discipline of self-surrender. With more determined steps, all walk into the season when seeds of the future fall to the Earth.

With grateful hearts for so many blessings, Lord, allow Your people to use their freedom wisely, and befriend the barren, the voiceless, and the hardened. Cover us with a protective cloak, that the paralysis of fear may be massaged to accept the planting of hope into our tiring body. In these days of diminished light, prepare us for Your hidden promise. For You are the Lord of every season and forever. Amen

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1533. An act to amend the securities laws to permit church pension plans to be invested in collective trusts.

H.R. 2714. An act to reauthorize the State Justice Institute.

H.R. 4278. An act to amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

The message also announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 5105. An act to authorize the Board of Regents of the Smithsonian Institution to carry out construction and related activities in support of the collaborative Very Energetic Radiation Imaging Telescope Array System (VERITAS) project on Kitt Peak near Tucson, Arizona.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2273. An act to provide increased rail transportation security.

S. 2435. An act to permit Inspectors General to authorize staff to provide assistance to the National Center for Missing and Exploited Children, and for other purposes.

S. 2495. An act to strike limitations on funding and extend the period of authorization for certain coastal wetland conservation projects.

S. 2882. An act to make the program for national criminal history background checks for volunteer groups permanent.

S. 2883. An act to amend the International Child Abduction Remedies Act to limit the tort liability of private entities or organizations that carry out responsibilities of the United States Central Authority under that Act.

S. 2884. An act to authorize the Secretary of Homeland Security to award grants to public transportation agencies to improve security, and for other purposes.

The message also announced that pursuant to Public Law 108–173, the Chair, on behalf of the Majority Leader, appoints the following individuals to the Commission on Systemic Interoperability:

Vicky B. Gregg of Tennessee; and
Ivan G. Seidenberg of New York.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 1, 2004.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 1, 2004 at 11:00 a.m.:

That the Senate passed without amendment H.R. 2408.

That the Senate passed without amendment H.R. 2771.

That the Senate passed without amendment H. Con. Res. 501.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

APPOINTMENT TO COMMISSION ON ABRAHAM LINCOLN STUDY ABROAD FELLOWSHIP PROGRAM

The SPEAKER pro tempore. Pursuant to section 104(c)(1)(I) of the Consolidated Appropriations Act, 2004 (P.L. 108–199), and the order of the House of December 8, 2003, the Chair announces that the Speaker and minority leader of the House, with the majority and minority leaders of the Senate, jointly appoint Mr. Melville Peter McPherson, East Lansing, Michigan, chairman of the Commission on the Abraham Lincoln Study Abroad Fellowship Program.

APPOINTMENT AS MEMBERS TO COMMISSION ON SYSTEMIC INTEROPERABILITY

The SPEAKER pro tempore. Pursuant to section 1012(c)(1) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 242b note), and the order of the House of December 8, 2003, the Chair announces the Speaker's appointment of the following members on the part of the House to the Commission on Systemic Interoperability:

Mr. Gary A. Mecklenburg, Chicago, Illinois,

Dr. Don E. Detmer, Crozet, Virginia.

REAPPOINTMENT TO ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE FOR 3-YEAR TERM

The SPEAKER pro tempore. Pursuant to section 491 of the Higher Education Act (20 U.S.C. 1098(c)), the order of the House of December 8, 2003, and upon the recommendation of the majority leader, the Chair announces on Friday, October 1, 2004, the Speaker reappointed the following member on the part of the House to the Advisory Committee on Student Financial Assistance for a 3-year term:

Ms. Norine Fuller, Arlington, Virginia.

COMMUNICATION FROM HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

OCTOBER 4, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), I hereby appoint Douglas H. Palmer of Trenton, New Jersey to the Election Assistance Commission Board of Advisors. Mr. Palmer will fill the remainder of the term of Willie L. Brown, Jr.

Best regards,

NANCY PELOSI.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, September 29, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, the Capitol, Washington, DC.

DEAR MR. SPEAKER: Enclosed please find resolutions approved by the Committee on Transportation and Infrastructure on September 29, 2004, in accordance with 40 U.S.C. §3307.

Sincerely,

DON YOUNG,
Chairman.

Enclosures.

LEASE—DEPARTMENT OF VETERAN'S AFFAIRS, 811 VERMONT AVE, NW, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 207,943 rentable square feet of space, including 10 parking spaces, for the Department of Veteran's Affairs currently located in government owned space at 811 Vermont Avenue, NW, in Washington, DC, at a proposed total annual cost of $9,357,435 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

AMENDED PROSPECTUS—LEASE—FEDERAL BUREAU OF INVESTIGATION, TAMPA, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 137,023 rentable square feet of space, and 124 inside and 22 outside parking spaces, for the Federal Bureau of Investigation currently located in Tampa, Florida, at a proposed total annual cost of $4,453,248 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution. This amends a Committee resolution dated November 7, 2001, which authorized 112,700 square feet and 117 parking spaces at a proposed total annual cost of $3,662,750.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—INTERNAL REVENUE SERVICE, ACCOUNTS MANAGEMENT DIVISION, PHILADELPHIA, PA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 205,789 rentable square feet of space, and 1,175 parking spaces, for the Internal Revenue Service currently located in multiple facilities in Philadelphia, Pennsylvania, at a proposed total annual cost of $7,356,957 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—EXECUTIVE OFFICE OF THE PRESIDENT, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 375,000 rentable square feet of space, and 1,175 parking spaces, for the Executive Office of the President currently located in multiple facilities in Northern Virginia, at a proposed total annual cost of $13,875,000 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

ALTERATION IN LEASED SPACE—BUREAU OF PUBLIC DEBT, PARKERSBURG, WV

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized for the alteration of leased space located at 200 Third Street, in Parkersburg, West Virginia at a design and review cost of $154,000, an estimated construction cost of $1,930,000, and management and inspection cost of $116,000 for a combined estimated total project cost of $2,200,000, a prospectus for which is attached to, and included in, this resolution.

CONSTRUCTION—UNITED STATES COURTHOUSE, LAS CRUCES, NM

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations are authorized for the construction of a 229,988 gross square foot United States Courthouse, including 81 inside parking spaces, located in Las Cruces, NM, at additional site, design, construction, and management and inspection cost of $7,644,000 for an estimated total project cost of $64,736,000, for which a fact sheet is attached to, and included in, this resolution.

Provided, that any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, that any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

AMENDED PROSPECTUS—ALTERATION—EISENHOWER EXECUTIVE OFFICE BUILDING, WASHINGTON, DC

Resolved by the committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations are authorized for the alternation of the Eisenhower Executive Office building, located in Washington, D.C., at an additional estimated construction cost of $5,718,000 (estimated construction cost of $63,531,000 was previously authorized), additional design and review cost of $515,000 (design cost of $5,718,000 was previously authorized and $1,674,000 was made available through P.L. 107–38), and additional management and inspection cost of $343,000 (management and inspection cost of $5,682,000 was previously authorized) for an estimated total project cost of $81,507,000, a prospectus for which is attached to, and included in, this resolution.

AMENDED PROSPECTUS—CONSTRUCTION—U.S. MISSION TO THE UNITED NATIONS, NEW YORK, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations are authorized for the construction of the United States Mission to the United Nations, located in New York City, NY, at an additional design and review cost of $405,000, additional management and inspection cost of $641,000, and additional estimated construction cost of $9,773,000 for an amended estimated total project cost of $72,326,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolutions dated July 23, 1998, which authorized design cost of $3,163,000; May 27, 1999, that authorized demolition and management and inspection cost of $4,300,000; and June 21, 2000, that authorized design cost of $266,000, construction cost of $49,962,000, and management and inspection cost of $3,816,000.

AMENDED PROSPECTUS—CONSTRUCTION—BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations are authorized for the construction of a 438,242 gross square foot facility, including 200 inside parking spaces for the Bureau of Alcohol, Tobacco, Firearms, and Explosives, currently located at multiple facilities in Washington, D.C., at an additional estimated construction cost of $47,503,000, for an amended estimated total project cost of $150,998,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolutions dated October 9, 1998, which authorized a site acquisition cost of $32,700,000 and design cost of $5,234,000, and June 21, 2000, which authorized a construction cost of $79,000,000 and management and inspection cost of $4,000,000.

LEASE—FEDERAL BUREAU OF INVESTIGATION, NEW YORK, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 169,461 rentable square

feet of space for the Federal Bureau of Investigation currently located in government owned space at 26 Federal Plaza and 290 Broadway, in New York, NY at a proposed total annual cost of $8,134,128 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, the numbers H.R. 3, H.R. 9, and H.R. 10 shall be available during the second session of the 108th Congress for assignment by the Speaker to such bills as he may designate.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

PETRIFIED FOREST NATIONAL PARK EXPANSION ACT OF 2004

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1630) to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Petrified Forest National Park Expansion Act of 2004''.

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term ''map'' means the map entitled ''Proposed Boundary Adjustments, Petrified Forest National Park'', numbered 110/80,044, and dated June 2004.

(2) PARK.—The term ''Park'' means the Petrified Forest National Park in the State.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of Arizona.

SEC. 3. BOUNDARY REVISION.

(a) IN GENERAL.—The Secretary is authorized to revise the boundary of the Park to include approximately 125,000 acres as depicted on the map.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 4. ACQUISITION OF ADDITIONAL LAND.

(a) PRIVATE LAND.—The Secretary may acquire from a willing seller, by donation, purchase with donated or appropriated funds, or exchange, any private land or interests in private land within the revised boundary of the Park. In acquiring private land and interests in private land within the revised boundary of the Park, the Secretary shall undertake to acquire such private land and interests in private land first by donation or exchange.

(b) STATE LAND.—

(1) IN GENERAL.—The Secretary may, with the consent of the State and in accordance with Federal and State law, acquire from the State any State land or interests in State land within the revised boundary of the Park.

(2) PLAN.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall, in coordination with the State, develop a plan for acquisition for State land or interests in State land under paragraph (1).

(3) MANAGEMENT AGREEMENT.—If the Secretary is unable to acquire the State land under paragraph (1) within the 3-year period required by paragraph (2), the Secretary may enter into an agreement that would allow the National Park Service to manage State land within the revised boundary of the Park.

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—Subject to applicable laws, all land and interests in land acquired under this Act shall be administered by the Secretary as part of the Park.

(b) TRANSFER OF JURISDICTION.—The Secretary shall transfer to the National Park Service administrative jurisdiction over any land under the jurisdiction of the Secretary that—

(1) is depicted on the map as being within the boundaries of the Park; and

(2) is not under the administrative jurisdiction of the National Park Service on the date of enactment of this Act.

(c) EXCHANGE AFTER ENACTMENT.—Upon completion of an exchange of land after the date of the enactment of this Act, the Secretary shall transfer administrative jurisdiction over the exchanged lands within the boundary of the Park as depicted on the map to the National Park Service.

(d) GRAZING.—

(1) IN GENERAL.—The Secretary shall permit the continuation of grazing on land transferred to the Secretary under this Act, subject to applicable laws, regulations, and Executive Orders.

(2) TERMINATION OF LEASES OR PERMITS.—Nothing in this subsection prohibits the Secretary from accepting the voluntary termination of a grazing permit or grazing lease within the Park.

(e) AMENDMENT TO GENERAL MANAGEMENT PLAN.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall amend the general management plan for the Park to address the use and management of any additional land acquired under this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I thank the gentleman from Nevada (Mr. GIBBONS) for yielding me this time.

I rise today in support of H.R. 1630, the Petrified Forest National Park Expansion Act of 2004. This legislation authorizes the largest and most responsible park expansion this Congress has considered.

The Petrified Forest is truly a national treasure. It contains some of the most valuable natural and cultural resources in the world. The Petrified Forest contains resources dating back 225 million years.

Yet, today, the Petrified Forest is being threatened. Looters are raiding unprotected areas around the Petrified Forest National Park, searching for fossilized wood and valuable property, and they are selling these items on the black market. Our American Indian grave sites have been dug up and destroyed, and adjacent landowners have been forced to hire their own private security to prevent theft and vandalism.

In 1992, the National Park Service released a general management plan that proposed the inclusion of some 98,000 acres of surrounding threatened land. Since this time, additional Bureau of Land Management, State of Arizona, and private land has been identified for inclusion in the Petrified Forest National Park.

The Petrified Forest National Park Expansion Act of 2004 authorizes the inclusion of 125,000 additional acres surrounding the Petrified Forest National Park. Expanding the Petrified Forest National Park will increase tourism and enhance research opportunities for communities in northern Arizona. In addition, private landowners identified in this exchange are willing sellers and will first consider a land exchange with the Federal Government.

As amended, this legislation ensures that acquisition by donation or exchange or other Federal lands shall occur first. Then, if additional lands need to be acquired, the Federal Government can purchase private land from willing sellers. This compromise will allow for the largest expansion of a national park this Congress, while ensuring the Federal Government's backlog maintenance needs are not further aggravated.

This important legislation has broad support from several nationally recognized archeological groups, as well as support from the Navajo County Board

of Supervisors, the city of Holbrook and the city of Winslow, Arizona.

Mr. Speaker, I urge my colleagues to support H.R. 1630, the Petrified Forest National Park Expansion Act of 2004.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 1630 as it is being brought to the floor today is not the same bill that passed the Committee on Resources in July. An issue was raised by the majority on the acquisition of the private lands within the park, but I am pleased that the language has been worked out and that it is language that is acceptable to both sides.

So, Mr. Speaker, we will support this new amended version of H.R. 1630.

Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 1630, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TAUNTON, MASSACHUSETTS SPECIAL RESOURCES STUDY ACT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2129) to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Taunton, Massachusetts Special Resources Study Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The city of Taunton, Massachusetts, is home to 9 distinct historic districts, with more than 600 properties on the National Register of Historic Places. Included among these districts are the Church Green Historic District, the Courthouse Historic District, the Taunton Green Historic District, and the Reed and Barton Historic District.

(2) All of these districts include buildings and building facades of great historical, cultural, and architectural value.

(3) Taunton Green is the site where the Sons of Liberty first raised the Liberty and Union Flag in 1774, an event that helped to spark a popular movement, culminating in the American Revolution, and Taunton citizens have been among the first to volunteer for America's subsequent wars.

(4) Robert Treat Paine, a citizen of Taunton, and the first Attorney General of Massachusetts, was a signer of the Declaration of Independence.

(5) Taunton was a leading community in the Industrial Revolution, and its industrial area has been the site of many innovations in such industries as silver manufacture, paper manufacture, and ship building.

(6) The landscaping of the Courthouse Green was designed by Frederick Law Olmsted, who also left landscaping ideas and plans for other areas in the city which have great value and interest as historical archives and objects of future study.

(7) Main Street, which connects many of the historic districts, is home to the Taunton City Hall and the Leonard Block building, 2 outstanding examples of early 19th Century American architecture, as well as many other historically and architecturally significant structures.

(8) The city and people of Taunton have preserved many artifacts, gravesites, and important documents dating back to 1638 when Taunton was founded.

(9) Taunton was and continues to be an important destination for immigrants from Europe and other parts of the world who have helped to give Southeastern Massachusetts its unique ethnic character.

SEC. 3. STUDY.

The Secretary, in consultation with the appropriate State historic preservation officers, State historical societies, the city of Taunton, and other appropriate organizations, shall conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System. The study shall be conducted and completed in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) and shall include analysis, documentation, and determinations regarding whether the historic areas in Taunton—

(1) can be managed, curated, interpreted, restored, preserved, and presented as an organic whole under management by the National Park Service or under an alternative management structure;

(2) have an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use;

(3) reflect traditions, customs, beliefs, and historical events that are valuable parts of the national story;

(4) provide outstanding opportunities to conserve natural, historic, cultural, architectural, or scenic features;

(5) provide outstanding recreational and educational opportunities; and

(6) can be managed by the National Park Service in partnership with residents, business interests, nonprofit organizations, and State and local governments to develop a unit of the National Park System consistent with State and local economic activity.

SEC. 4. REPORT.

Not later than 3 fiscal years after the date on which funds are first made available for this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study required under section 3.

SEC. 5. PRIVATE PROPERTY.

The recommendations in the report submitted pursuant to section 4 shall discuss and consider the concerns expressed by private landowners with respect to designating the certain structures referred to in this Act as a unit of the National Park System.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2129, introduced by the gentleman from Massachusetts (Mr. FRANK), would direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes. The city of Taunton, Massachusetts, is home to nine distinct historic districts, with more than 600 properties on the National Register of Historic Places. Included among these districts is the Taunton Green Historic District, the site where the Sons of Liberty first raised the Liberty and Union Flag in 1774, an event that helped to spark a popular movement culminating in the American Revolution. Taunton was also a leading community in the industrial revolution, and its industrial area has been the site of many innovations in silver manufacture, paper manufacture, and shipbuilding. Main Street, which connects many of the historic districts, is the home of the Taunton City Hall and the Leonard Block building, two outstanding examples of early 19th century American architecture, as well as many other historical and architecturally significant structures.

The city has historically been and continues to be an important destination for immigrants migrating from Europe, as well as other parts of the world, and contributes greatly to the unique ethnic character of southeastern Massachusetts.

H.R. 2129, as amended, is supported by the majority and minority of the Committee on Resources. I would urge adoption of this bill, Mr. Speaker.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, Taunton, Massachusetts, is a city rich

in its significant cultural and historical resources. As a result, we support authorizing the National Park Service to study this area to determine how these resources might best be conserved and interpreted for generations to come. I join the gentleman from West Virginia (Ranking Member Rahall) in congratulating the gentleman from Massachusetts (Mr. FRANK) for his hard work on behalf of this legislation and this community, and we look forward to working with him on legislation to implement any recommendations which come out of this study that we are authorizing today. So we urge the passage of H.R. 2129.

Mr. Speaker, I yield such time as he might consume to the gentleman from Massachusetts (Mr. FRANK), the sponsor of the legislation.

□ 1415

Mr. FRANK of Massachusetts. I thank the gentlewoman for yielding me time.

I thank the gentleman from Nevada (Mr. GIBBONS) for his courtesy; and I am grateful to the leadership of the committee, the gentleman from California (Mr. POMBO) and the gentleman from West Virginia (Mr. RAHALL), for bringing this forward.

Massachusetts is rich in history, but this is a particularly significant piece of Massachusetts from an historic standpoint. As the gentleman from Nevada (Mr. GIBBONS) pointed out, the Liberty and Union Flag was raised there in 1774. This is the place here in Taunton where the revolution was fueled. Robert Treat Paine, a resident of Taunton, signed the Declaration, and it continues to be important.

The courthouse green, a lovely area, was designed by Frederick Law Olmsted, the greatest landscape architect in our history and, probably, the history of the world. I am privileged to have an office right in the midst of this. So I guess I should say I would be a beneficiary of this. But it is for the city, and it will be passed on.

I also should say that I became the Representative of Taunton in the last redistricting. And for the prior couple of decades it was extraordinarily well-represented by one of our great former colleagues, the gentleman from Massachusetts, Mr. Moakley, who was sadly taken from us a few years ago. So as we put this bill forward, I am delighted to do it, but I also want people to understand that I do this in tribute, in part, to the legacy of Joe Moakley, one of the great leaders in this House, widely respected and even loved by both sides.

This is a genuinely important historical operation. It played a historic role in the Revolution. We had Frederick Law Olmsted there. It was also very important in the Industrial Revolution. It continues today to be a very important community.

So I am grateful to the committee for bringing this forward and I look forward to the passage of this bill and subsequent action by the Park Service.

Mrs. CHRISTENSEN. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I urge adoption of the bill. I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 2129, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RESOLUTION OF BOUNDARY ENCROACHMENT ON LAND OF UNION PACIFIC RAILROAD COMPANY IN TIPTON, CALIFORNIA

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4817) to facilitate the resolution of a minor boundary encroachment on lands of the Union Pacific Railroad Company in Tipton, California, which were originally conveyed by the United States as part of the right-of-way granted for the construction of transcontinental railroads, as amended.

The Clerk read as follows:

H.R. 4817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELEASE OF UNITED STATES INTERESTS IN CERTAIN RAILROAD GRANT LANDS IN TIPTON, CALIFORNIA.

(a) PROPERTY DEFINED.—In this section, the term ''property'' means that portion of the existing building located at 615 North Burnett Road in Tipton, California, which encroaches upon land that, subject to a reversionary interest, was conveyed by the United States pursuant to the Act of July 27, 1866 (14 Stat. 292).

(b) RELEASE OF INTERESTS IN PROPERTY.—There is hereby released, without consideration, all right, title, and interest of the United States in and to the surface portion of the property. The United States retains any subsurface mineral rights held by the United States as of the date of the enactment of this Act associated with the property.

(c) INSTRUMENT OF RELEASE.—The Secretary of the Interior shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests made by subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4817.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4817, introduced by my Committee on Resources colleague, the gentleman from California (Mr. NUNES), and amended by the Committee on Resources would facilitate the resolution of a minor boundary encroachment on lands of the Union Pacific Railroad Company in Tipton, California. The bill is supported by the majority and minority of the Committee on Resources and the administration.

Mr. Speaker, I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very minor boundary issue left over from rights-of-way granted in the 19th century. We have reviewed the legislation and we do not oppose the passage of H.R. 4817.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I urge adoption of the bill. I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 4817, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THAT NOVEMBER 2, 2003, SHALL BE DEDICATED TO ''A TRIBUTE TO SURVIVORS'' AT THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 76) recognizing that November 2, 2003, shall be dedicated as ''A Tribute To Survivors'' at the United States Holocaust Memorial Museum.

The Clerk read as follows:

S. CON. RES. 76

Whereas, in 1945, American soldiers and other Allied forces, defeated Nazi Germany, ending World War II in Europe and the systematic murder of Europe's Jews and other targeted groups;

Whereas 6,000,000 Jews were killed during the Holocaust, and after World War II hundreds of thousands of survivors immigrated to the United States, where in spite of their enormous suffering, they rebuilt their lives, and embraced and enriched their adopted homeland;

Whereas, in 1978, President Jimmy Carter created the President's Commission on the Holocaust to make a recommendation regarding ''the establishment . . . of an appropriate memorial to those who perished in the Holocaust'';

Whereas President Carter said: ''Out of our memory . . . of the Holocaust we must forge an unshakable oath with all civilized people that never again will the world stand silent, never again will the world . . . fail to act in time to prevent this terrible crime of genocide. . . . [W]e must harness the outrage of our own memories to stamp out oppression wherever it exists. We must understand that human rights and human dignity are indivisible.'';

Whereas, in 1979, the Commission recommended ''a living memorial that will speak not only of the victims' deaths but of their lives, a memorial that can transform the living by transmitting the legacy of the Holocaust'';

Whereas, in 1980, the United States Congress unanimously passed legislation authorizing the creation of the United States Holocaust Memorial Museum as a ''permanent living memorial'' on Federal land in the Nation's Capital;

Whereas, in 1983, Vice President George Bush designated the Federal land on which the United States Holocaust Memorial Museum would be built;

Whereas Vice President Bush said: ''Here we will learn that each of us bears responsibility for our actions and our failure to act. Here we will learn that we must intervene when we see evil arise. Here we will learn more about the moral compass by which we navigate our lives and by which countries navigate the future.'';

Whereas, in 1985, Holocaust survivors participated in the groundbreaking ceremony at the site of the future United States Holocaust Memorial Museum;

Whereas, in 1988, President Ronald Reagan dedicated the cornerstone of the United States Holocaust Memorial Museum;

Whereas President Reagan said: ''We who did not go their way owe them this: We must make sure that their deaths have posthumous meaning. We must make sure that from now until the end of days all humankind stares this evil in the face . . . and only then can we be sure it will never arise again.'';

Whereas, in 1992, replicas of 2 of the milk cans that hid the Oneg Shabbat archive under the Warsaw Ghetto were buried beneath the Museum's Hall of Remembrance, with a Scroll of Remembrance signed by Holocaust survivors;

Whereas, in 1993, President Bill Clinton opened the United States Holocaust Memorial Museum;

Whereas President Clinton said: ''[T]his museum will touch the life of everyone who enters and leave everyone forever changed; a place of deep sadness and a sanctuary of bright hope; an ally of education against ignorance, of humility against arrogance, an investment in a secure future against whatever insanity lurks ahead. If this museum can mobilize morality, then those who have perished will thereby gain a measure of immortality.'';

Whereas, in 2001, President George W. Bush delivered the keynote address at the first Days of Remembrance ceremony after he assumed office.

Whereas President Bush said: ''When we remember the Holocaust and to whom it happened, we must also remember where it happened . . . The orders came from men who . . . had all the outward traits of cultured men, except for conscience. Their crimes showed the world that evil can slip in, and blend in, even amid the most civilized surroundings. In the end, only conscience can stop it. And moral discernment, decency, tolerance—these can never be assumed in any time, or any society. They must always be taught.'';

Whereas the United States Holocaust Memorial Museum has had more than 19,000,000 visitors in the first 10 years of its existence;

Whereas, in 2003, the United States Holocaust Memorial Museum, on the occasion of its 10th Anniversary, wishes to pay tribute to America's Holocaust survivors, who worked tirelessly to help build the Museum and whose committed support and involvement continue to make the institution such as extraordinary memorial and a vital part of life in the United States; and

Whereas the United States Holocaust Museum has a sacred obligation to preserve and transmit the history and lessons of the Holocaust and, together with the Holocaust survivors, must ensure that the legacy of the survivors is passed on to each new generation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes that November 2, 2003, shall be dedicated to ''A Tribute to Survivors'' at the United States Holocaust Memorial Museum and shall be devoted to honoring our Nation's Holocaust survivors, as well as their liberators and rescuers, and their families;

(2) recognizes that on that day, the United States Holocaust Memorial Museum shall be devoted in its entirety to special programs about and for the survivors of the Holocaust;

(3) commends the United States Holocaust Memorial Museum for its first decade of education dedicated to the memory of the victims of the Holocaust;

(4) endeavors to continue to support the vital work of the United States Holocaust Memorial Museum; and

(5) requests that this resolution shall be duly recorded in the official records of the United States Holocaust Memorial Museum.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. Con. Res. 76.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate Concurrent Resolution 76, introduced by Senator HATCH of Utah, dedicates November 2, 2003, as ''A Tribute to Survivors'' at the United States Holocaust Memorial Museum located here in our Nation's capital.

The gentleman from Utah (Mr. CANNON) has authored the House companion bill and should be equally commended for his tireless work on behalf of his constituents.

Chartered by a unanimous Act of Congress in 1980, the United States Holocaust Memorial Museum's primary mission is to advance and disseminate knowledge about this unprecedented tragedy; to preserve the memory of those who suffered; and to encourage its visitors to reflect upon the moral and spiritual questions raised by the events of the Holocaust as well as their own responsibilities as citizens of a democracy.

This living memorial speaks not only to the victims' deaths, but of their lives. It holds the power to transform the living by transmitting the legacy of the Holocaust.

On the occasion of its 10th anniversary, the museum on November 1 and 2 of 2003, held a Tribute to Holocaust survivors, a special celebration at the museum for survivors, their families, and other members of the eyewitness generation, including liberators and rescuers. This unique event brought together over 7,000 people, reuniting over 2,000 survivors. Museum Director Sara Bloomfield characterized the tribute as critical, with so many of the Holocaust survivors now in the later years of their lives.

More importantly though, dedicating November 2, 2003, as ''A Tribute to Survivors'' at the museum affords all of us the opportunity to answer to their silent question: Indeed, we have not forgotten you.

Senate Concurrent Resolution 76 is supported by the majority and minority of the committee. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with S. Con. Res. 76, I guess this majority is operating under the adage that it is better late than never.

Senate Concurrent Resolution 76 was written for an event that occurred 11 months ago on November 2, 2003. The resolution would have been timely if it had been taken up before that date.

The tribute to the survivors of the Holocaust at the United States Holocaust Memorial Museum on November 2, 2003 was a worthy event deserving of recognition. It is regrettable that the majority waited so long to bring up this resolution that the day we seek to honor has already occurred.

However, even late, it is an important recognition and I am pleased that there will be this recognition of that tribute to the survivors that occurred last year.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the sponsor of the House legislation is home with a family member who is ill and unable to make his presentation. I ask for support of this resolution.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 76.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GIBBONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

TAPOCO PROJECT LICENSING ACT OF 2004

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2319) to authorize and facilitate hydroelectric power licensing of the Tapoco Project.

The Clerk read as follows:

S. 2319

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tapoco Project Licensing Act of 2004''.

SEC. 2. DEFINITIONS.

In this Act:

(1) APGI.—The term ''APGI'' means Alcoa Power Generating Inc. (including its successors and assigns).

(2) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(3) MAP.—The term ''map'' means the map entitled ''Tapoco Hydroelectric Project, P–2169, Settlement Agreement, Appendix B, Proposed Land Swap Areas, National Park Service and APGI'', numbered TP514, Issue No. 9, and dated June 8, 2004.

(4) PARK.—The term ''Park'' means Great Smoky Mountains National Park.

(5) PROJECT.—The term ''Project'' means the Tapoco Hydroelectric Project, FERC Project No. 2169, including the Chilhowee Dam and Reservoir in the State of Tennessee.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. LAND EXCHANGE.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Upon the conveyance by APGI of title acceptable to the Secretary of the land identified in paragraph (2), the Secretary shall simultaneously convey to APGI title to the land identified in paragraph (3).

(2) DESCRIPTION OF LAND TO BE CONVEYED BY APGI.—The land to be conveyed by APGI to the Secretary is the approximately 186 acres of land, subject to any encumbrances existing before February 21, 2003—

(A) within the authorized boundary of the Park, located northeast of United States Highway 129 and adjacent to the APGI power line; and

(B) as generally depicted on the map as ''Proposed Property Transfer from APGI to National Park Service''.

(3) DESCRIPTION OF LAND TO BE CONVEYED BY THE SECRETARY.—The land to be conveyed by the Secretary to APGI are the approximately 110 acres of land within the Park that are—

(A) adjacent to or flooded by the Chilhowee Reservoir;

(B) within the boundary of the Project as of February 21, 2003; and

(C) as generally depicted on the map as ''Proposed Property Transfer from National Park Service to APGI''.

(b) MINOR ADJUSTMENTS TO CONVEYED LAND.—The Secretary and APGI may mutually agree to make minor boundary or acreage adjustments to the land identified in paragraphs (2) and (3) of subsection (a).

(c) OPPORTUNITY TO MITIGATE.—If the Secretary determines that all or part of the land to be conveyed to the Park under subsection (a) is unsuitable for inclusion in the Park, APGI shall have the opportunity to make the land suitable for inclusion in the Park.

(d) CONSERVATION EASEMENT.—The Secretary shall reserve a conservation easement over any land transferred to APGI under subsection (a)(3) that, subject to any terms and conditions imposed by the Commission in any license that the Commission may issue for the Project, shall—

(1) specifically prohibit any development of the land by APGI, other than any development that is necessary for the continued operation and maintenance of the Chilhowee Reservoir;

(2) authorize public access to the easement area, subject to National Park Service regulations; and

(3) authorize the National Park Service to enforce Park regulations on the land and in and on the waters of Chilhowee Reservoir lying on the land, to the extent not inconsistent with any license condition considered necessary by the Commission.

(e) APPLICABILITY OF CERTAIN LAWS.—Section 5(b) of Public Law 90–401 (16 U.S.C. 460*l*–22(b)), shall not apply to the land exchange authorized under this section.

(f) REVERSION.—

(1) IN GENERAL.—The deed from the Secretary to APGI shall contain a provision that requires the land described in subsection (a)(3) to revert to the United States if—

(A) the Chilhowee Reservoir ceases to exist; or

(B) the Commission issues a final order decommissioning the Project from which no further appeal may be taken.

(2) APPLICABLE LAW.—A reversion under this subsection shall not eliminate APGI's responsibility to comply with all applicable provisions of the Federal Power Act (16 U.S.C. 791a et seq.), including regulations.

(g) BOUNDARY ADJUSTMENT.—

(1) IN GENERAL.—On completion of the land exchange authorized under this section, the Secretary shall—

(A) adjust the boundary of the Park to include the land described in subsection (a)(2); and

(B) administer any acquired land as part of the Park in accordance with applicable law (including regulations).

(2) NATIONAL PARK SERVICE LAND.—Notwithstanding the exchange of land under this section, the land described in subsection (a)(3) shall remain in the boundary of the Park.

(3) PUBLIC NOTICE.—The Secretary shall publish in the Federal Register notice of any boundary revised under paragraph (1).

SEC. 4. PROJECT LICENSING.

Notwithstanding the continued inclusion of the land described in section 3(a)(3) in the boundary of the Park (including any modification made pursuant to section 3(b)) on completion of the land exchange, the Commission shall have jurisdiction to license the Project.

SEC. 5. LAND ACQUISITION.

(a) IN GENERAL.—The Secretary or the Secretary of Agriculture may acquire, by purchase, donation, or exchange, any land or interest in land that—

(1) may be transferred by APGI to any nongovernmental organization; and

(2) is identified as ''Permanent Easement'' or ''Term Easement'' on the map entitled ''Tapoco Hydroelectric Project, P–2169, Settlement Agreement, Appendix B, Proposed Land Conveyances in Tennessee'', numbered TP616, Issue No. 15, and dated March 11, 2004.

(b) LAND ACQUIRED BY THE SECRETARY OF THE INTERIOR.—The Secretary shall—

(1) adjust the boundary of the Park to include any land or interest in land acquired by the Secretary under subsection (a);

(2) administer any acquired land or interest in land as part of the Park in accordance with applicable law (including regulations); and

(3) publish notice of the adjustment in the Federal Register.

(c) LAND ACQUIRED BY THE SECRETARY OF AGRICULTURE.—

(1) BOUNDARY ADJUSTMENT.—The Secretary of Agriculture shall—

(A) adjust the boundary of the Cherokee National Forest to include any land acquired under subsection (a);

(B) administer any acquired land or interest in land as part of the Cherokee National Forest in accordance with applicable law (including regulations); and

(C) publish notice of the adjustment in the Federal Register.

(2) MANAGEMENT.—The Secretary of Agriculture shall evaluate the feasibility of managing any land acquired by the Secretary of Agriculture under subsection (a) in a manner that retains the primitive, back-country character of the land.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2319.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate 2319, introduced by Senator ALEXANDER of Tennessee, would facilitate a hydroelectric power relicensing for the Tapoco Project near the Great Smoky Mountains National Park by authorizing the Secretary of the Interior to enter into a series of land exchanges with Alcoa Power Generating, Inc.

The gentleman from Tennessee (Mr. DUNCAN) is the author of the House companion bill and has asked us to accept the Senate bill in the interest of time.

Mr. Speaker, the bill is supported by the majority and minority of the committee as well as the administration.

Mr. Speaker, I urge adoption of the bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, October 1, 2004.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4667, a bill to authorize and facilitate hydroelectric power licensing of the Tapoco Project. I agree that the Committee on Energy and Commerce has a jurisdictional interest in H.R. 4667, and that by not insisting upon your referral of the bill, you do not compromise your jurisdictional claim. I will also support your request to be named as a conferee on this bill or the similar Senate bill, S. 2319 should one become necessary.

It is indeed our intention to consider S. 2319, which is being held at the desk in the House. To clarify the committee jurisdiction over this matter, I will place your letter and my response in the Congressional Record under the extension of remark authority granted during consideration of S. 2319.

Thank you again for your cooperation on this issue.

Sincerely,

RICHARD W. POMBO,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 30, 2004.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN POMBO: On September 15, 2004, the Committee on Resources ordered reported H.R. 4667, a bill to authorize and facilitate hydroelectric power licensing of the Tapoco Project. Upon introduction, this bill was also referred to the Committee on Energy and Commerce, and was subsequently ordered reported by the Committee today. S. 2319, which is the companion legislation to H.R. 4667, is currently being held at the desk in the House. I understand that it is your intention to consider S. 2319 rather than H.R. 4667 in the House.

Recognizing your interest in bringing this legislation before the House expeditiously, the Committee on Energy and Commerce agrees not to seek a sequential referral of the bill. By agreeing not to seek a sequential referral, the Committee on Energy and Commerce does not waive its jurisdiction over the bill.

I request that you include this letter and your response as part of the Congressional Record during consideration of this bill by the House.

Sincerely,

JOE BARTON,
Chairman.

Mr. Speaker, I reserve the balance of my time.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN) to add his remarks on Senate 2319.

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Nevada (Mr. GIBBONS) for yielding me time.

Mr. Speaker, I rise today to encourage the House to approve S. 2319 which was first introduced by my Tennessee colleague, Senator LAMAR ALEXANDER.

Simply put, S. 2319 is a jobs bill that will keep 2,000 jobs through a land exchange between the ALCOA Corporation and the Great Smoky Mountains National Park.

This bill ratifies an agreement between ALCOA and a large number of Tennessee and North Carolina State and local officials, Federal agencies and nonprofit conservation groups.

Specifically, this bill allows the relicensing of the Tapoco Project, an ALCOA-owned-and-operated hydroelectric project that is federally licensed under the Federal Power Act.

Originally licensed in 1955, the Tapoco Project was constructed on the Little Tennessee and Cheoah Rivers. It contains more than 8,000 acres that are located between nearly 10,000 acres of lands owned by ALCOA, the Great Smoky Mountains National Park, and the Cherokee and Nantahala National Forests.

Senate bill 2319 creates a legal barrier that prevents the relicensure of the Tapoco Project because a portion of the Chilhowee Reservoir floods four side streams containing approximately 100 acres of land within the authorized boundary of the Great Smoky Mountains National Park. Although these lands were included within the park when it was created in 1926, the Federal Government decided for financial reasons not to acquire flooding rights that were then held by ALCOA's corporate predecessor.

However, the Federal Power Act and the 1926 Great Smoky Mountains National Park law each prohibit the licensing of hydroelectric projects inside the park. Thus, it appears the Tapoco Project was erroneously licensed in 1955 to include four areas flooded by Chilhowee Dam.

Although ALCOA owns valid property rights to flood these lands, FERC does not have the legal authority to issue a new license. Under Senate bill 2319, the Park Service and ALCOA will exchange lands to correct this 50-year-old mistake and allow FERC to relicense the Tapoco Project.

Specifically, the bill directs the Secretary of Interior to acquire 189 acres of ecologically valuable lands located within the authorized boundaries of the park, in exchange for 100 acres of land located within the park and the Tapoco Project. This is a net gain of 89 acres for the park.

The legislation also authorizes the Secretaries of Interior and Agriculture to adjust the boundaries of the park and adjacent U.S. forests and accept the lands that are expected to be transferred by ALCOA to a nonprofit organization and subsequently by the nonprofit organization to the Federal Government.

In conclusion, without this legislation, ALCOA would no longer be able to provide power for its operations in East Tennessee and would be forced to halt its operations. This would be a major blow to 2,000 hardworking families in my district and an annual economic loss of over $400 million to a region that already has lost thousands of jobs overseas.

Mr. Speaker, I urge passage of this bill. I especially thank my colleague in the other body, Senator ALEXANDER, for his work on this legislation. I thank my friend and colleague, the gentleman from Nevada (Mr. GIBBONS) for so graciously yielding me this time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have reviewed Senate 2319 and have no objection to its passage today. I join the ranking member, the gentleman from West Virginia (Mr. RAHALL), in congratulating the gentleman from Tennessee (Mr. DUNCAN) on his efforts on behalf of this legislation and the Tapoco Project.

Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 2319.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

EDWARD H. MCDANIEL AMERICAN LEGION POST NO. 22 LAND CONVEYANCE ACT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1521) to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community, as amended.

The Clerk read as follows:

S. 1521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—[LAND CONVEYANCE]

SEC. 101. SHORT TITLE.

This Act may be cited as the ''Edward H. McDaniel American Legion Post No. 22 Land Conveyance Act''.

SEC. 102. DEFINITIONS.

In this Act:

(1) POST NO. 22.—The term ''Post No. 22'' means the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 103. CONVEYANCE OF LAND TO EDWARD H. MCDANIEL AMERICAN LEGION POST NO. 22.

(a) CONVEYANCE ON CONDITION SUBSEQUENT.—Not later than 180 days after the

date of enactment of this Act, subject to valid existing rights and the condition stated in subsection (c) and in accordance with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.), the Secretary shall convey to Post No. 22, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of Bureau of Land Management land that—

(1) is bounded by Route 160, Bride Street, and Dandelion Road in Nye County, Nevada;

(2) consists of approximately 4.5 acres of land; and

(3) is more particularly described as a portion of the S ¼ of section 29, T. 20 S., R. 54 E., Mount Diablo and Base Meridian.

(c) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—Post No. 22 and any successors of Post No. 22 shall use the parcel of land described in section (b) for the construction and operation of a post building and memorial park for use by Post No. 22, other veterans groups, and the local community for events and activities.

(2) REVERSION.—Except as provided in paragraph (3), if the Secretary, after notice to Post No. 22 and an opportunity for a hearing, makes a finding that Post No. 22 has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1) and Post No. 22 fails to discontinue that use, title to the parcel shall revert to the United States, to be administered by the Secretary.

(3) WAIVER.—The Secretary may waive the requirements of paragraph (2) if the Secretary

determines that a waiver would be in the best interests of the United States.

TITLE II—EXTENSIONS

SEC. 201. AUTHORIZATION AND APPROPRIATION EXTENSIONS.

Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 16 U.S.C. 461 note) is amended—

(1) in each of sections 107, 208, 408, 507, 811, and 910, by striking ''September 30, 2012'' and inserting ''September 30, 2027'';

(2) in each of sections 108(a), 209(a), 409(a), 508(a), 812(a), and 909(c), by striking ''$10,000,000'' and inserting ''$20,000,000''; and

(3) in title VIII, by striking ''Canal National Heritage Corridor'' each place it appears in the section headings and text and inserting ''National Heritage Canalway''.

TITLE III—NATIONAL COAL HERITAGE AREA

SEC. 301. NATIONAL COAL HERITAGE AREA.

(a) NATIONAL COAL HERITAGE AREA AUTHORITY; BOUNDARY REVISION.—Title I of division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 16 U.S.C. 461 note) is amended as follows:

(1) In section 103(b), by inserting ''(1)'' before ''the counties'' and by inserting the following before the period: ''; (2) Lincoln County, West Virginia; and (3) Paint Creek and Cabin Creek in Kanawha County, West Virginia''.

(2) In section 104, by striking ''Governor'' and all that follows through ''organizations'' in the matter preceding paragraph (1) and inserting ''National Coal Heritage Area Authority, a public corporation and government instrumentality established by the State of West Virginia, pursuant to which the Secretary shall assist the National Coal Heritage Area Authority''.

(3) In section 105—

(A) by striking ''paragraph (2) of''; and

(B) by adding at the end the following new sentence: ''Resources within Lincoln County, West Virginia, and Paint Creek and Cabin Creek within Kanawha County, West Virginia, shall also be eligible for assistance as determined by the National Coal Heritage Area Authority.''.

(4) In section 106(a)—

(A) by striking ''Governor'' and all that follows through ''and Parks'' and inserting ''National Coal Heritage Area Authority''; and

(B) in paragraph (3), by striking ''State of West Virginia'' and all that follows through ''entities'' and inserting ''National Coal Heritage Area Authority''.

(b) AGREEMENT CONTINUING IN EFFECT.—The contractual agreement entered into by the Secretary of the Interior and the Governor of West Virginia prior to the date of the enactment of this Act pursuant to section 104 of title I of division II of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 461 note) shall be deemed as continuing in effect, except that such agreement shall be between the Secretary and the National Coal Heritage Area Authority.

TITLE IV—COASTAL HERITAGE TRAIL ROUTE IN NEW JERSEY

SEC. 401. REAUTHORIZATION OF APPROPRIATIONS FOR COASTAL HERITAGE TRAIL ROUTE IN NEW JERSEY.

(a) REAUTHORIZATION.—Section 6 of Public Law 100–515 (16 U.S.C. 1244 note) is amended—

(1) in subsection (b)(1), by striking ''$4,000,000'' and all that follows and inserting ''such sums as may be necessary.''; and

(2) in subsection (c), by striking ''10'' and inserting ''12''.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—The Secretary of the Interior shall, by not later than 2 years after the date of the enactment of this Act, prepare a strategic plan for the New Jersey Coastal Heritage Trail Route.

(2) CONTENTS.—The strategic plan shall describe—

(A) opportunities to increase participation by national and local private and public interests in planning, development, and administration of the New Jersey Coastal Heritage Trail Route; and

(B) organizational options for sustaining the New Jersey Coastal Heritage Trail Route.

TITLE V—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR

SEC. 501. SHORT TITLE.

This title may be cited as the ''Illinois and Michigan Canal National Heritage Corridor Act Amendments of 2004''.

SEC. 502. TRANSITION AND PROVISIONS FOR NEW MANAGEMENT ENTITY.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98–398; 16 U.S.C. 461 note) is amended as follows:

(1) In section 103—

(A) in paragraph (8), by striking ''and'';

(B) in paragraph (9), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(10) the term 'Association' means the Canal Corridor Association (an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code).''.

(2) By adding at the end of section 112 the following new paragraph:

''(7) The Secretary shall enter into a memorandum of understanding with the Association to help ensure appropriate transition of the management entity to the Association and coordination with the Association regarding that role.''.

(3) By adding at the end the following new sections:

''SEC. 119. ASSOCIATION AS MANAGEMENT ENTITY.

''Upon the termination of the Commission, the management entity for the corridor shall be the Association.

''SEC. 120. DUTIES AND AUTHORITIES OF ASSOCIATION.

''For purposes of preparing and implementing the management plan developed under section 121, the Association may use Federal funds made available under this title—

''(1) to make loans and grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person;

''(2) to hire, train, and compensate staff; and

''(3) to enter into contracts for goods and services.

''SEC. 121. DUTIES OF THE ASSOCIATION.

''The Association shall—

''(1) develop and submit to the Secretary for approval under section 123 a proposed management plan for the corridor not later than 2 years after Federal funds are made available for this purpose;

''(2) give priority to implementing actions set forth in the management plan, including taking steps to assist units of local government, regional planning organizations, and other organizations—

''(A) in preserving the corridor;

''(B) in establishing and maintaining interpretive exhibits in the corridor;

''(C) in developing recreational resources in the corridor;

''(D) in increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the corridor; and

''(E) in facilitating the restoration of any historic building relating to the themes of the corridor;

''(3) encourage by appropriate means economic viability in the corridor consistent with the goals of the management plan;

''(4) consider the interests of diverse governmental, business, and other groups within the corridor;

''(5) conduct public meetings at least quarterly regarding the implementation of the management plan;

''(6) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary;

''(7) for any year in which Federal funds have been received under this title—

''(A) submit an annual report to the Secretary setting forth the Association's accomplishments, expenses and income, and the identity of each entity to which any loans and grants were made during the year for which the report is made;

''(B) make available for audit all records pertaining to the expenditure of such funds and any matching funds; and

''(C) require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

''SEC. 122. USE OF FEDERAL FUNDS.

''(1) IN GENERAL.—The Association shall not use Federal funds received under this title to acquire real property or an interest in real property.

''(2) OTHER SOURCES.—Nothing in this title precludes the Association from using Federal funds from other sources for authorized purposes.

''SEC. 123. MANAGEMENT PLAN.

''(a) PREPARATION OF MANAGEMENT PLAN.—Not later than 2 years after the date that Federal funds are made available for this purpose, the Association shall submit to the

Secretary for approval a proposed management plan that shall—

''(1) take into consideration State and local plans and involve residents, local governments and public agencies, and private organizations in the corridor;

''(2) present comprehensive recommendations for the corridor's conservation, funding, management, and development;

''(3) include actions proposed to be undertaken by units of government and nongovernmental and private organizations to protect the resources of the corridor;

''(4) specify the existing and potential sources of funding to protect, manage, and develop the corridor; and

''(5) include the following:

''(A) Identification of the geographic boundaries of the corridor.

''(B) A brief description and map of the corridor's overall concept or vision that show key sites, visitor facilities and attractions, and physical linkages.

''(C) Identification of overall goals and the strategies and tasks intended to reach them, and a realistic schedule for completing the tasks.

''(D) A listing of the key resources and themes of the corridor.

''(E) Identification of parties proposed to be responsible for carrying out the tasks.

''(F) A financial plan and other information on costs and sources of funds.

''(G) A description of the public participation process used in developing the plan and a proposal for public participation in the implementation of the management plan.

''(H) A mechanism and schedule for updating the plan based on actual progress.

''(I) A bibliography of documents used to develop the management plan.

''(J) A discussion of any other relevant issues relating to the management plan.

''(b) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary within 2 years after the date that Federal funds are made available for this purpose, the Association shall be ineligible to receive additional funds under this title until the Secretary receives a proposed management plan from the Association.

''(c) APPROVAL OF MANAGEMENT PLAN.—The Secretary shall approve or disapprove a proposed management plan submitted under this title not later than 180 days after receiving such proposed management plan. If action is not taken by the Secretary within the time period specified in the preceding sentence, the management plan shall be deemed approved. The Secretary shall consult with the local entities representing the diverse interests of the corridor including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners prior to approving the management plan. The Association shall conduct semi-annual public meetings, workshops, and hearings to provide adequate opportunity for the public and local and governmental entities to review and to aid in the preparation and implementation of the management plan.

''(d) EFFECT OF APPROVAL.—Upon the approval of the management plan as provided in subsection (c), the management plan shall supersede the conceptual plan contained in the National Park Service report.

''(e) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed management plan within the time period specified in subsection (c), the Secretary shall advise the Association in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan.

''(f) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve all substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan. Funds made available under this title may not be expended to implement any changes made by a substantial amendment until the Secretary approves that substantial amendment.

''SEC. 124. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

''(a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon the request of the Association, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Association to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the Association and other public or private entities for this purpose. In assisting the Association, the Secretary shall give priority to actions that in general assist in—

''(1) conserving the significant natural, historic, cultural, and scenic resources of the corridor; and

''(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the corridor.

''(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting activities directly affecting the corridor shall—

''(1) consult with the Secretary and the Association with respect to such activities;

''(2) cooperate with the Secretary and the Association in carrying out their duties under this title;

''(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

''(4) to the maximum extent practicable, conduct or support such activities in a manner which the Association determines is not likely to have an adverse effect on the corridor.

''SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—To carry out this title there is authorized to be appropriated $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this title for any fiscal year.

''(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent of that cost.

''SEC. 126. SUNSET.

''The authority of the Secretary to provide assistance under this title terminates on September 30, 2027.''.

SEC. 503. PRIVATE PROPERTY PROTECTION.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 is further amended by adding after section 126 (as added by section 502 of this title) the following new sections:

''SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

''(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the corridor until the owner of that private property has been notified in writing by the Association and has given written consent for such preservation, conservation, or promotion to the Association.

''(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the corridor, and not notified under subsection (a), shall have their property immediately removed from the boundary of the corridor by submitting a written request to the Association.

''SEC. 128. PRIVATE PROPERTY PROTECTION.

''(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

''(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

''(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

''(b) LIABILITY.—Designation of the corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

''(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

''(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN CORRIDOR.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the corridor to participate in or be associated with the corridor.

''(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the corridor represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the corridor or its viewshed by the Secretary, the National Park Service, or the Association.''.

SEC. 504. TECHNICAL AMENDMENTS.

Section 116 of Illinois and Michigan Canal National Heritage Corridor Act of 1984 is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) by striking ''(a)'' and all that follows through ''For each'' and inserting ''(a) For each'';

(B) by striking ''Commission'' and inserting ''Association'';

(C) by striking ''Commission's'' and inserting ''Association's'';

(D) by redesignating paragraph (2) as subsection (b); and

(E) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

TITLE VI—[POTASH ROYALTY REDUCTION]

SEC. 601. SHORT TITLE.

This Act may be cited as the ''Potash Royalty Reduction Act of 2004''.

SEC. 602. POTASSIUM AND POTASSIUM COMPOUNDS FROM SYLVITE.

(a) ROYALTY RATE.—Notwithstanding section 102(a)(9) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701(a)(9)), section 2 of the Act of February 7, 1927 (30 U.S.C. 282) and the term of any lease issued under such section 2, the royalty rate on the quantity or gross value of the output from Federal lands of potassium and potassium compounds from the mineral sylvite at the point of shipment to market in the 5-year period beginning on the date of the enactment of this Act shall be 1.0 percent.

(b) RECLAMATION FUND.—Fifty percentum of any royalties paid pursuant to this Act during the 5-year period referred to in subsection (a), together with any interest earned from the date of payment, shall be paid by the Secretary of the Treasury to the payor of the royalties to be used solely for land reclamation purposes in accordance with a schedule to implement a reclamation plan for the lands for which the royalties are paid. No payment shall be made by the Secretary of the Treasury pursuant to this subsection until the Secretary of the Interior receives from the payor of the royalties, and approves, the reclamation plan and schedule, and submits the approved schedule to the Secretary of the Treasury. The share of royalties held by the Secretary of the Treasury

pursuant to this subsection, and interest earned thereon, shall be available until paid pursuant to this subsection, without further appropriation; shall not be considered as money received under section 35 of the Mineral Leasing Act (30 U.S.C. 191) for the purpose of revenue allocation; and shall not be reduced by any administrative or other costs incurred by the United States.

(c) STUDY AND REPORT.—After the end of the 4-year period beginning on the date of the enactment of this Act, and before the end of the 5-year period beginning on that date, the Secretary of the Interior shall report to the Congress on the effects of the royalty reduction under this Act, including a recommendation on whether the reduced royalty rate for potassium from sylvite should apply after the end of the 5-year period.

TITLE VII—[SODA ASH ROYALTY REDUCTION]

SEC. 701. SHORT TITLE.

This Act may be cited as the ''Soda Ash Royalty Reduction Act of 2004''.

SEC. 702. FINDINGS.

The Congress finds the following:

(1) The combination of global competitive pressures, flat domestic demand, and spiraling costs of production threaten the future of the United States soda ash industry.

(2) Despite booming world demand, growth in United States exports of soda ash since 1997 has been flat, with most of the world's largest markets for such growth, including Brazil, the People's Republic of China, India, the countries of eastern Europe, and the Republic of South Africa, have been closed by protectionist policies.

(3) The People's Republic of China is the prime competitor of the United States in soda ash production, and recently supplanted the United States as the largest producer of soda ash in the world.

(4) Over 700 jobs have been lost in the United States soda ash industry since the Department of the Interior increased the royalty rate on soda ash produced on Federal land, in 1996.

(5) Reduction of the royalty rate on soda ash produced on Federal land will provide needed relief to the United States soda ash industry and allow it to increase export growth and competitiveness in emerging world markets, and create new jobs in the United States.

SEC. 703. REDUCTION IN ROYALTY RATE ON SODA ASH.

Notwithstanding section 102(a)(9) of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701(a)(9)), section 24 of the Mineral Leasing Act (30 U.S.C. 262), and the terms of any lease under that Act, the royalty rate on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market from Federal land in the 5-year period beginning on the date of the enactment of this Act shall be 2 percent.

SEC. 704. STUDY.

After the end of the 4-year period beginning on the date of the enactment of this Act, and before the end of the 5-year period beginning on that date, the Secretary of the Interior shall report to the Congress on the effects of the royalty reduction under this Act, including—

(1) the amount of sodium compounds and related products at the point of shipment to market from Federal land during that 4-year period;

(2) the number of jobs that have been created or maintained during the royalty reduction period;

(3) the total amount of royalty paid to the United States on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market produced during that 4-year period, and the portion of such royalty paid to States; and

(4) a recommendation of whether the reduced royalty rate should apply after the end of the 5-year period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1521.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate 1521, introduced by the Assistant Democratic Leader of the Senate, Senator REID of Nevada, would direct the Secretary of the Interior to convey public land currently managed by the Bureau of Land Management in Pahrump, Nevada, to the Edward H. McDaniel American Legion Post No. 22, for the construction of a post building and memorial park for use by the American Legion, and other veterans' groups, and the local community.

The bill was subsequently amended by the Committee on Resources where six additional titles were added. However, four of the six additional titles contained language that has once passed this House, and would simply make technical changes to seven existing National Heritage Areas and one Heritage Trail Route.

□ 1430

Focusing then on the two remaining titles, title VI would temporarily set a royalty rate reduction upon the quantity or gross value of sodium compounds and related products at point of shipment to market from Federal lands over the next 5 years. It would also instruct the Secretary of the Interior to report to Congress on the effects of such royalty reduction, as well as to provide a recommendation of whether the reduced royalty rate should apply following the end of the 5-year period.

This is taken from the gentlewoman from Wyoming's (Mrs. CUBIN's) bill, H.R. 4625, which has passed the House already.

Similarly, title VII provides for a 5-year royalty rate reduction upon the quantity or gross value of potassium compounds from the mineral sylvite at point of shipment to market from Federal lands over the next 5 years. As under the previous title, the Secretary of the Interior would again be required to recommend to Congress whether the reduced royalty rate should continue after the 5-year period. This is taken from H.R. 4984 authorized by the gentleman from New Mexico (Mr. PEARCE).

Mr. Speaker, Senate bill 1521, as amended, is supported by the majority and the minority of the Committee on Resources. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

The legislation we are considering is sponsored by Nevada Senator HARRY REID. Both Committee on Resources ranking member, the gentleman from West Virginia (Mr. RAHALL) and myself have become very much aware of the bipartisan efforts among the Nevada delegation to secure public lands for various causes.

This is another one of those situations, and while we do not always agree with a particular Nevada land bill, when we can, we are always pleased to be of some of some small service to the distinguished senator.

As a member of the American Legion Auxiliary myself, I am always pleased to support any bill that is done on behalf of the American Legion. As such, we have no objections to passing Senate 1521, as amended by the House.

Mr. Speaker, I have no further speakers on this legislation, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I have no further speakers on S. 1521, would urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 1521, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: ''A bill to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community, and for other purposes.''

A motion to reconsider was laid on the table.

LINCOLN COUNTY CONSERVATION, RECREATION, AND DEVELOPMENT ACT OF 2004

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4593) to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

TITLE I—LINCOLN COUNTY CONSERVATION, RECREATION, AND DEVELOPMENT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Lincoln County Conservation, Recreation, and Development Act of 2004''.

Subtitle A—Land Disposal

SEC. 111. DEFINITIONS.

In this subtitle:

(1) COUNTY.—The term ''County'' means Lincoln County, Nevada.

(2) MAP.—The term ''map'' means the map entitled ''Lincoln County Conservation, Recreation, and Development Act Map'' and dated October 1, 2004.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) SPECIAL ACCOUNT.—The term ''special account'' means the special account established under section 113(b)(3).

SEC. 112. CONVEYANCE OF LINCOLN COUNTY LAND.

(a) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1712), the Secretary, in cooperation with the County, in accordance with that Act, this subtitle, and other applicable law and subject to valid existing rights, shall conduct sales of—

(1) the land described in subsection (b)(1) to qualified bidders not later than 75 days after the date of the enactment of this Act; and.

(2) the land described in subsection (b)(2) to qualified bidders as such land becomes available for disposal.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of—

(1) the land identified on the map as Tract A and Tract B totaling approximately 13,328 acres; and

(2) between 87,000–90,000 acres of Bureau of Land Management managed public land in Lincoln County identified for disposal by the BLM either through—

(A) the Ely Resource Management Plan (intended to be finalized in 2005); or

(B) a subsequent amendment to that land use plan undertaken with full public involvement.

(c) AVAILABILITY.—Each map and legal description shall be on file and available for public inspection in (as appropriate)—

(1) the Office of the Director of the Bureau of Land Management;

(2) the Office of the Nevada State Director of the Bureau of Land Management;

(3) the Ely Field Office of the Bureau of Land Management; and

(4) the Caliente Field Station of the Bureau of Land Management.

(d) JOINT SELECTION REQUIRED.—The Secretary and the County shall jointly select which parcels of land described in subsection (b)(2) to offer for sale under subsection (a).

(e) COMPLIANCE WITH LOCAL PLANNING AND ZONING LAWS.—Before a sale of land under subsection (a), the County shall submit to the Secretary a certification that qualified bidders have agreed to comply with—

(1) County and city zoning ordinances; and

(2) any master plan for the area approved by the County.

(f) METHOD OF SALE; CONSIDERATION.—The sale of land under subsection (a) shall be—

(1) consistent with section 203(d) and 203(f) of the Federal Land Management Policy Act of 1976 (43 U.S.C. 1713(d) and (f));

(2) through a competitive bidding process unless otherwise determined by the Secretary; and

(3) for not less than fair market value.

(g) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and except as provided in paragraph (2), the land described in subsection (b) is withdrawn from—

(A) all forms of entry and appropriation under the public land laws, including the mining laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing and geothermal leasing laws.

(2) EXCEPTION.—Paragraph (1)(A) shall not apply to a competitive sale or an election by the County to obtain the land described in subsection (b) for public purposes under the Act of June 14, 1926 (43 U.S.C. 869 et seq; commonly known as the ''Recreation and Public Purposes Act'').

(h) DEADLINE FOR SALE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall—

(A) notwithstanding the Lincoln County Land Act of 2000 (114 Stat. 1046), not later than 75 days after the date of the enactment of this title, offer by sale the land described in subsection (b)(1) if there is a qualified bidder for such land; and

(B) offer for sale annually lands identified for sale in subsection (b)(2) until such lands are disposed of or unless the county requests a postponement under paragraph (2).

(2) POSTPONEMENT; EXCLUSION FROM SALE.—

(A) REQUEST BY COUNTY FOR POSTPONEMENT OR EXCLUSION.—At the request of the County, the Secretary shall postpone or exclude from the sale all or a portion of the land described in subsection (b)(2).

(B) INDEFINITE POSTPONEMENT.—Unless specifically requested by the County, a postponement under subparagraph (A) shall not be indefinite.

SEC. 113. DISPOSITION OF PROCEEDS.

(a) INITIAL LAND SALE.—Section 5 of the Lincoln County Land Act of 2000 (114 Stat. 1047) shall apply to the disposition of the gross proceeds from the sale of land described in section 112(b)(1).

(b) REIMBURSEMENT OF COSTS.—Proceeds from the sale of lands described in section 112(b)(2) shall be used to reimburse costs incurred by the Nevada State office and the Ely Field Office of the Bureau of Land Management for preparing for the sale of land described in section 102(b) including surveys appraisals, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and compliance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1712).

(c) DISPOSITION OF PROCEEDS.—Following compliance with section 113(b) proceeds from sales of lands described in section 112(b)(2) shall be disbursed as follows—

(1) 5 percent shall be paid directly to the state for use in the general education program of the State;

(2) 45 percent shall be paid to the County for use for economic development in the County, including County parks, trails, and natural areas; and

(3) the remainder shall be deposited in a special account in the Treasury of the United States and shall be available without further appropriation to the Secretary until expended for—

(A) the inventory, evaluation, protectionand management of unique archaeological resources (as defined in section 3 of the Archaeological Resources Protection Act of 19792 (16 U.S.C. 470bb)) of the County;

(B) the development and implementation of a multispecies habitat conservation plan for the County;

(C) processing of public land use authorizations and rights-of-way relating to the development of land conveyed under section 112(b) of this Act;

(D) processing the Silver State OHV trail and implementing the management plan required by section 151(c)(2) of this Act; and

(E) processing wilderness designation, including but not limited to, the costs of appropriate fencing, signage, public education, and enforcement for the wilderness areas designated.

(d) INVESTMENT OF SPECIAL ACCOUNT.—Any amounts deposited in the special account shall earn interest in an amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities, and may be expended according to the provisions of this section.

Subtitle B—Wilderness Areas

SEC. 121. FINDINGS.

Congress finds that—

(1) public land in the County contains unique and spectacular natural resources, including—

(A) priceless habitat for numerous species of plants and wildlife; and

(B) thousands of acres of land that remain in a natural state; and

(2) continued preservation of those areas would benefit the County and all of the United States by—

(A) ensuring the conservation of ecologically diverse habitat;

(B) protecting prehistoric cultural resources;

(C) conserving primitive recreational resources; and

(D) protecting air and water quality.

SEC. 122. DEFINITIONS.

In this subtitle:

(1) COUNTY.—The term ''County'' means Lincoln County, Nevada.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of Nevada.

SEC. 123. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) ADDITIONS.—The following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) MORMON MOUNTAINS WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 157,938 acres, as generally depicted on the map entitled ''Southern Lincoln County Wilderness Map'', dated October 1, 2004, which shall be known as the ''Mormon Mountains Wilderness''.

(2) MEADOW VALLEY RANGE WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 123,488 acres, as generally depicted on the map entitled ''Southern Lincoln County Wilderness Map'', dated October 1, 2004, which shall be known as the ''Meadow Valley Range Wilderness''.

(3) DELAMAR MOUNTAINS WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 111,328 acres, as generally depicted on the map entitled ''Southern Lincoln County Wilderness Map'', dated October 1, 2004, which shall be known as the ''Delamar Mountains Wilderness''.

(4) CLOVER MOUNTAINS WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 85,748 acres, as generally depicted on the map entitled ''Southern Lincoln County Wilderness Map'', dated October 1, 2004, which shall be known as the ''Clover Mountains Wilderness''.

(5) SOUTH PAHROC RANGE WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 25,800 acres, as generally depicted on the map entitled ''Western Lincoln County Wilderness Map'', dated October 1, 2004, which shall be known as the ''South Pahroc Range Wilderness''.

(6) WORTHINGTON MOUNTAINS WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 30,664 acres, as generally depicted on the map entitled ''Western Lincoln County Wilderness Map'', dated October 1, 2004, which shall be known as the ''Worthington Mountains Wilderness''.

(7) WEEPAH SPRING WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 51,480 acres, as generally depicted on the map entitled ''Western Lincoln County Wilderness Map'', dated October 1, 2004, which shall be known as the ''Weepah Spring Wilderness''.

(8) PARSNIP PEAK WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 43,693 acres, as generally depicted on the map entitled ''Northern Lincoln County Wilderness Map'', dated October 1, 2004, which shall be known as the ''Parsnip Peak Wilderness''.

(9) WHITE ROCK RANGE WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 24,413 acres, as generally depicted on the map entitled ''Northern Lincoln County Wilderness Map'', dated October 1, 2004, which shall be known as the ''White Rock Range Wilderness''.

(10) FORTIFICATION RANGE WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 30,656 acres, as generally depicted on the map entitled ''Northern Lincoln County Wilderness Map'', dated October 1, 2004, which shall be known as the ''Fortification Range Wilderness''.

(11) FAR SOUTH EGANS WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 36,384 acres, as generally depicted on the map entitled ''Northern Lincoln County Wilderness Map'', dated October 1, 2004, which shall be known as the ''Far South Egans Wilderness''.

(12) TUNNEL SPRING WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 5,371 acres, as generally depicted on the map entitled ''Southern Lincoln County Wilderness Map'', dated October 1, 2004, which shall be known as the ''Tunnel Spring Wilderness''.

(13) BIG ROCKS WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 12,997 acres, as generally depicted on the map entitled ''Western Lincoln County Wilderness Map'', dated October 1, 2004, which shall be known as the ''Big Rocks Wilderness''.

(14) MT. IRISH WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 28,334 acres, as generally depicted on the map entitled ''Western Lincoln County Wilderness Map'', dated October 1, 2004, which shall be known as the ''Mt. Irish Wilderness''.

(b) BOUNDARY.—The boundary of any portion of a wilderness area designated by subsection (a) that is bordered by a road shall be at least 100 feet from the edge of the road to allow public access.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall file a map and legal description of each wilderness area designated by subsection (a) with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT.—Each map and legal description shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the map or legal description.

(3) AVAILABILITY.—Each map and legal description shall be on file and available for public inspection in (as appropriate)—

(A) the Office of the Director of the Bureau of Land Management;

(B) the Office of the Nevada State Director of the Bureau of Land Management;

(C) the Ely Field Office of the Bureau of Land Management; and

(D) the Caliente Field Station of the Bureau of Land Management.

(d) WITHDRAWAL.—Subject to valid existing rights, the wilderness areas designated by subsection (a) are withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing and geothermal leasing laws.

SEC. 124. ADMINISTRATION.

(a) MANAGEMENT.—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of the enactment of this title; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(b) LIVESTOCK.—Within the wilderness areas designated under this subtitle that are administered by the Bureau of Land Management, the grazing of livestock in areas in which grazing is established as of the date of enactment of this title shall be allowed to continue, subject to such reasonable regulations, policies, and practices that the Secretary considers necessary, consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), including the guidelines set forth in Appendix A of House Report 101–405.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of an area designated as wilderness by this subtitle that is acquired by the United States after the date of the enactment of this title shall be added to and administered as part of the wilderness area within which the acquired land or interest is located.

(d) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the land designated as Wilderness by this subtitle is within the Northern Mojave and Great Basin Deserts, is arid in nature, and includes ephemeral streams;

(B) the hydrology of the land designated as wilderness by this subtitle is predominantly characterized by complex flow patterns and alluvial fans with impermanent channels;

(C) the subsurface hydrogeology of the region is characterized by ground water subject to local and regional flow gradients and unconfined and artesian conditions;

(D) the land designated as wilderness by this subtitle is generally not suitable for use or development of new water resource facilities; and

(E) because of the unique nature and hydrology of the desert land designated as wilderness by this subtitle, it is possible to provide for proper management and protection of the wilderness and other values of lands in ways different from those used in other legislation.

(2) STATUTORY CONSTRUCTION.—Nothing in this subtitle—

(A) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the land designated as wilderness by this subtitle;

(B) shall affect any water rights in the State existing on the date of the enactment of this title, including any water rights held by the United States;

(C) shall be construed as establishing a precedent with regard to any future wilderness designations;

(D) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(E) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State and other States.

(3) NEVADA WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the law of the State in order to obtain and hold any water rights not in existence on the date of enactment of this title with respect to the wilderness areas designated by this subtitle.

(4) NEW PROJECTS.—

(A) WATER RESOURCE FACILITY.—As used in this paragraph, the term ''water resource facility''—

(i) means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures; and

(ii) does not include wildlife guzzlers.

(B) RESTRICTION ON NEW WATER RESOURCE FACILITIES.—Except as otherwise provided in this title, on and after the date of the enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness areas designated by this title.

SEC. 125. ADJACENT MANAGEMENT.

(a) IN GENERAL.—Congress does not intend for the designation of wilderness in the State pursuant to this subtitle to lead to the creation of protective perimeters or buffer zones around any such wilderness area.

(b) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness designated under this subtitle shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

SEC. 126. MILITARY OVERFLIGHTS.

Nothing in this subtitle restricts or precludes—

(1) low-level overflights of military aircraft over the areas designated as wilderness by this subtitle, including military overflights that can be seen or heard within the wilderness areas;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

SEC. 127. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

Nothing in this subtitle shall be construed to diminish the rights of any Indian tribe. Nothing in this subtitle shall be construed to diminish tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

SEC. 128. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land in the County administered by the Bureau of Land Management in the following areas has been adequately studied for wilderness designation:

(1) The Table Mountain Wilderness Study Area.

(2) Evergreen A, B, and C Wilderness Study Areas.

(3) Any portion of the wilderness study areas—

(A) not designated as wilderness by section 124(a); and

(B) depicted as released on—

(i) the map entitled ''Northern Lincoln County Wilderness Map'' and dated October 1, 2004;

(ii) the map entitled ''Southern Lincoln County Wilderness Map'' and dated October 1, 2004; or

(iii) the map entitled ''Western Lincoln County Wilderness Map'' and dated October 1, 2004.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c));

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) existing cooperative conservation agreements; and

(3) shall be subject to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 129. WILDLIFE MANAGEMENT.

(a) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects or diminishes the jurisdiction of the State with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in the wilderness areas designated by this subtitle.

(b) MANAGEMENT ACTIVITIES.—In furtherance of the purposes and principles of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this subtitle where consistent with relevant wilderness management plans, in accordance with appropriate policies such as those set forth in Appendix B of House Report 101–405, including the occasional and temporary use of motorized vehicles, if such use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values and accomplish those purposes with the minimum impact necessary to reasonably accomplish the task.

(c) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)) and in accordance with appropriate policies such as those set forth in Appendix B of House Report 101–405, the State may continue to use aircraft, including helicopters, to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep, and feral stock, horses, and burros.

(d) WILDLIFE WATER DEVELOPMENT PROJECTS.—Subject to subsection (f), the Secretary shall authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by this title if—

(1) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(2) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(e) HUNTING, FISHING, AND TRAPPING.—In consultation with the appropriate State agency (except in emergencies), the Secretary may designate by regulation areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the wilderness areas designated by this title.

(f) COOPERATIVE AGREEMENT.—The terms and conditions under which the State, including a designee of the State, may conduct wildlife management activities in the wilderness areas designated by this subtitle are specified in the cooperative agreement between the Secretary and the State, entitled ''Memorandum of Understanding between the Bureau of Land Management and the Nevada Department of Wildlife Supplement No. 9,'' and signed November and December 2003, including any amendments to that document agreed upon by the Secretary and the State and subject to all applicable laws and regulations. Any references to Clark County in that document shall also be deemed to be referred to and shall apply to Lincoln County, Nevada.

SEC. 130. WILDFIRE MANAGEMENT.

Consistent with section 4 of the Wilderness Act (16 U.S.C. 1133), nothing in this subtitle precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment) to manage wildfires in the wilderness areas designated by this subtitle.

SEC. 131. CLIMATOLOGICAL DATA COLLECTION.

Subject to such terms and conditions as the Secretary may prescribe, nothing in this subtitle precludes the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas designated by this subtitle if the facilities and access to the facilities are essential to flood warning, flood control, and water reservoir operation activities.

Subtitle C—Utility Corridors

SEC. 141. UTILITY CORRIDOR AND RIGHTS-OF-WAY.

(a) UTILITY CORRIDOR.—

(1) IN GENERAL.—Consistent with subtitle B and notwithstanding sections 202 and 503 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1763), the Secretary of the Interior (referred to in this section as the ''Secretary'') shall establish on public land a 2,640-foot wide corridor for utilities in Lincoln County and Clark County, Nevada, as generally depicted on the map entitled ''Lincoln County Conservation, Recreation, and Development Act'', and dated October 1, 2004.

(2) AVAILABILITY.—Each map and legal description shall be on file and available for public inspection in (as appropriate)—

(A) the Office of the Director of the Bureau of Land Management;

(B) the Office of the Nevada State Director of the Bureau of Land Management;

(C) the Ely Field Office of the Bureau of Land Management; and

(D) the Caliente Field Station of the Bureau of Land Management.

(b) RIGHTS-OF-WAY.—

(1) IN GENERAL.—Notwithstanding sections 202 and 503 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1763), and subject to valid and existing rights, the Secretary shall grant to the Southern Nevada Water Authority and the Lincoln County Water District nonexclusive rights-of-way to Federal land in Lincoln County and Clark County, Nevada, for any roads, wells, well fields, pipes, pipelines, pump stations, storage facilities, or other facilities and systems that are necessary for the construction and operation of a water conveyance system, as depicted on the map.

(2) APPLICABLE LAW.—A right-of-way granted under paragraph (1) shall be granted in perpetuity and shall not require the payment of rental.

(3) COMPLIANCE WITH NEPA.—Before granting a right-of-way under paragraph (1), the Secretary shall comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the identification and consideration of potential impacts to fish and wildlife resources and habitat.

(c) WITHDRAWAL.—Subject to valid existing rights, the utility corridors designated by subsection (a) are withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing and geothermal leasing laws.

(d) STATE WATER LAW.—Nothing in this subtitle shall—

(1) prejudice the decisions or abrogate the jurisdiction of the Nevada or Utah State Engineers with respect to the appropriation, permitting, certification, or adjudication of water rights;

(2) preempt Nevada or Utah State water law; or

(3) limit or supersede existing water rights or interest in water rights under Nevada or Utah State law.

(e) WATER RESOURCES STUDY.—

(1) IN GENERAL.—The Secretary, acting through the United States Geological Survey and the Desert Research Institute, and a designee from the State of Utah shall conduct a study to investigate ground water quantity, quality, and flow characteristics in the deep carbonate and alluvial aquifers of Lincoln and White Pine Counties, Nevada and adjacent areas in Utah. The study shall—

(A) include new and review of existing data;

(B) determine the volume of water stored in aquifers in those areas;

(C) determine the discharge and recharge characteristics of each aquifer system;

(D) determine the hydrogeologic and other controls that govern the discharge and recharge of each aquifer system; and

(E) develop maps at a consistent scale depicting aquifer systems and the recharge and discharge areas of such systems.

(2) TIMING; AVAILABILITY.—The Secretary shall complete a draft of the water resources report required under paragraph (1) not later than 30 months after the date of the enactment of this Act. The Secretary shall then make the draft report available for public comment for a period of not less than 60 days. The final report shall be submitted to the Committee on Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate and made available to the public not later than 36 months after the date of the enactment of this Act.

(3) AGREEMENT.—Prior to any transbasin diversion from ground-water basins located within both the State of Nevada and the State of Utah, the State of Nevada and the State of Utah shall reach an agreement regarding the division of water resources of those interstate ground-water flow system(s) from which water will be diverted and used by the project. The agreement shall allow for the maximum sustainable beneficial use of the water resources and protect existing water rights.

SEC. 142. RELOCATION OF RIGHT-OF-WAY AND UTILITY CORRIDORS LOCATED IN CLARK AND LINCOLN COUNTIES IN THE STATE OF NEVADA.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term ''Agreement'' means the land exchange agreement between Aerojet-General Corporation and the United States, dated July 14, 1988.

(2) CORRIDOR.—The term ''corridor'' means—

(A) the right-of-way corridor that is—

(i) identified in section 5(b)(1) of the Nevada-Florida Land Exchange Authorization Act of 1988 (102 Stat. 55); and

(ii) described in section 14(a) of the Agreement;

(B) such portion of the utility corridor identified in the 1988 Las Vegas Resource Management Plan located south of the boundary of the corridor described in subparagraph (A) as is necessary to relocate the right-of-way corridor to the area described in subsection (c)(2); and

(C) such portion of the utility corridor identified in the 2000 Caliente Management Framework Plan Amendment located north of the boundary of the corridor described in subparagraph (A) as is necessary to relocate the right-of-way corridor to the area described in subsection (c)(2).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) RELINQUISHMENT AND FAIR MARKET VALUE.—

(1) IN GENERAL.—The Secretary shall, in accordance with this section, relinquish all right, title, and interest of the United States in and to the corridor on receipt of a payment in an amount equal to the fair market value of the corridor (plus any costs relating to the right-of-way relocation described in this subtitle).

(2) FAIR MARKET VALUE.—

(A) The fair market value of the corridor shall be equal to the amount by which the value of the discount described in the 1988 appraisal of the corridor that was applied to the land underlying the corridor has increased, as determined by the Secretary using the multiplier determined under subparagraph (B).

(B) Not later than 60 days after the date of the enactment of this Act, the Appraisal Services Directorate of the Department of the Interior shall determine an appropriate multiplier to reflect the change in the value of the land underlying the corridor between—

(i) the date of which the corridor was transferred in accordance with the Agreement; and

(ii) the date of enactment of this Act.

(3) PROCEEDS.—Proceeds under this subsection shall be deposited in the account established under section 113(c)

(c) RELOCATION.—

(1) IN GENERAL.—The Secretary shall relocate to the area described in paragraph (2), the portion of IDI–26446 and UTU–73363 identified as NVN–49781 that is located in the corridor relinquished under subsection (b)(1).

(2) DESCRIPTION OF AREA.—The area referred to in paragraph (1) is the area located on public land west of United States Route 93

(3) REQUIREMENTS.—The relocation under paragraph (1) shall be conducted in a manner that—

(A) minimizes engineering design changes; and

(B) maintains a gradual and smooth interconnection of the corridor with the area described in paragraph (2).

(4) AUTHORIZED USES.—The Secretary may authorize the location of any above ground or underground utility facility, transmission lines, gas pipelines, natural gas pipelines, fiber optics, telecommunications, water lines, wells (including monitoring wells), cable television, and any related appurtenances in the area described in paragraph (1).

(d) EFFECT.—The relocation of the corridor under this section shall not require the Secretary to update the 1998 Las Vegas Valley Resource Management Plan or the 2000 Caliente Management Framework Plan Amendment.

(e) WAIVER OF CERTAIN REQUIREMENTS.—The Secretary shall waive the requirements of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) that would otherwise be applicable to the holders of the right-of-way corridor described in subsection (a)(2)(A) with respect to an amendment to the legal description of the right-of-way corridor.

Subtitle D—Silver State Off-Highway Vehicle Trail

SEC. 151. SILVER STATE OFF-HIGHWAY VEHICLE TRAIL.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) MAP.—The term ''Map'' means the map entitled ''Lincoln County Conservation, Recreation and Development Act Map'' and dated October 1, 2004.

(3) TRAIL.—The term ''Trail'' means the system of trails designated in subsection (b) as the Silver State Off-Highway Vehicle Trail.

(b) DESIGNATION.—The trails that are generally depicted on the Map are hereby designated as the ''Silver State Off-Highway Vehicle Trail''.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Trail in a manner that—

(A) is consistent with motorized and mechanized use of the Trail that is authorized on the date of the enactment of this title pursuant to applicable Federal and State laws and regulations;

(B) ensures the safety of the people who use the Trail; and

(C) does not damage sensitive habitat or cultural resources.

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after the date of the enactment of this title, the Secretary, in consultation with the State, the County, and any other interested persons, shall complete a management plan for the Trail.

(B) COMPONENTS.—The management plan shall—

(i) describe the appropriate uses and management of the Trail;

(ii) authorize the use of motorized and mechanized vehicles on the Trail; and

(iii) describe actions carried out to periodically evaluate and manage the appropriate levels of use and location of the Trail to minimize environmental impacts and prevent damage to cultural resources from the use of the Trail.

(3) MONITORING AND EVALUATION.—

(A) ANNUAL ASSESSMENT.—The Secretary shall annually assess the effects of the use of off-highway vehicles on the Trail and, in consultation with the Nevada Division of Wildlife, assess the effects of the Trail on wildlife and wildlife habitat to minimize environmental impacts and prevent damage to cultural resources from the use of the Trail.

(B) CLOSURE.—The Secretary, in consultation with the State and the County, may temporarily close or permanently reroute, subject to subparagraph (C), a portion of the Trail if the Secretary determines that—

(i) the Trail is having an adverse impact on—

(I) natural resources; or

(II) cultural resources;

(ii) the Trail threatens public safety;

(iii) closure of the Trail is necessary to repair damage to the Trail; or

(iv) closure of the Trail is necessary to repair resource damage.

(C) REROUTING.—Portions of the Trail that are temporarily closed may be permanently rerouted along existing roads and trails on public lands currently open to motorized use if the Secretary determines that such rerouting will not significantly increase or decrease the length of the Trail.

(D) NOTICE.—The Secretary shall provide information to the public regarding any routes on the Trail that are closed under subparagraph (B), including by providing appropriate signage along the Trail.

(4) NOTICE OF OPEN ROUTES.—The Secretary shall ensure that visitors to the Trail have access to adequate notice regarding the routes on the Trail that are open through use of appropriate signage along the Trail and through the distribution of maps, safety education materials, and other information considered appropriate by the Secretary.

(d) NO EFFECT ON NON-FEDERAL LAND AND INTERESTS IN LAND.—Nothing in this section shall be construed to affect ownership, management, or other rights related to non-Federal land or interests in land.

(e) MAP ON FILE.—The Map shall be kept on file at the appropriate offices of the Secretary.

Subtitle E—Open Space Parks

SEC. 161. OPEN SPACE PARK CONVEYANCE TO LINCOLN COUNTY, NEVADA.

(a) CONVEYANCE.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1171, 1712), not later than 1 year after lands are identified by the County, the Secretary shall convey to the County, subject to valid existing rights, for no consideration, all right title, and interest of the United States in and to the parcels of land described in subsection (b).

(b) DESCRIPTION OF LAND.—Up to 15,000 acres of Bureau of Land Management-managed public land in Lincoln County identified by the county in consultation with the Bureau of Land Management.

(c) COSTS.—Any costs relating to any conveyance under subsection (a), including costs for surveys and other administrative costs, shall be paid by the County, or in accordance with section 113(c)(2) of this title.

(d) USE OF LAND.—

(1) IN GENERAL.—Any parcel of land conveyed to the County under subsection (a) shall be used only for—

(A) the conservation of natural resources; or

(B) public parks.

(2) FACILITIES.—Any facility on a parcel of land conveyed under subsection (a) shall be constructed and managed in a manner consistent with the uses described in paragraph (1).

(e) REVERSION.—If a parcel of land conveyed under subsection (a) is used in a manner that is inconsistent with the uses specified in subsection (d), the parcel of land shall, at the discretion of the Secretary, revert to the United States.

SEC. 162. OPEN SPACE PARK CONVEYANCE TO THE STATE OF NEVADA.

(a) CONVEYANCE.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to the State of Nevada, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcels of land described in subsection (b), if there is a written agreement between the State and Lincoln County, Nevada, supporting such a conveyance.

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) are the parcels of land depicted as ''NV St. Park Expansion Proposal'' on the map entitled ''Lincoln County Conservation, Recreation, and Development Act Map'' and dated October 1, 2004.

(c) COSTS.—Any costs relating to any conveyance under subsection (a), including costs for surveys and other administrative costs, shall be paid by the State.

(d) USE OF LAND.—

(1) IN GENERAL.—Any parcel of land conveyed to the State under subsection (a) shall be used only for—

(A) the conservation of natural resources; or

(B) public parks.

(2) FACILITIES.—Any facility on a parcel of land conveyed under subsection (a) shall be constructed and managed in a manner consistent with the uses described in paragraph (1).

(e) REVERSION.—If a parcel of land conveyed under subsection (a) is used in a manner that is inconsistent with the uses specified in subsection (d), the parcel of land shall, at the discretion of the Secretary, revert to the United States.

Subtitle F—Jurisdiction Transfer

SEC. 171. TRANSFER OF ADMINISTRATIVE JURISDICTION BETWEEN THE FISH AND WILDLIFE SERVICE AND THE BUREAU OF LAND MANAGEMENT.

(a) IN GENERAL.—Administrative jurisdiction over the land described in subsection (b) is transferred from the United States Bureau of Land Management to the United States Fish and Wildlife Service for inclusion in the Desert National Wildlife Range and the administrative jurisdiction over the land described in subsection (c) is transferred from the United States Fish and Wildlife Service to the United States Bureau of Land Management.

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is the approximately 8,503 acres of land administered by the United States Bureau of Land Management as generally depicted on the map entitled ''Lincoln County Conservation, Recreation, and Development Act Map'' and identified as ''Lands to be transferred to the Fish and Wildlife Service'' and dated October 1, 2004.

(c) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is the approximately 8,382 acres of land administered by the United States Fish and Wildlife Service as generally depicted on the map entitled ''Lincoln County Conservation, Recreation, and Development Act Map'' and identified as ''Lands to be transferred to the Bureau of Land Management'' and dated October 1, 2004.

(d) AVAILABILITY.—Each map and legal description shall be on file and available for public inspection in (as appropriate)—

(1) the Office of the Director of the Bureau of Land Management;

(2) the Office of the Nevada State Director of the Bureau of Land Management;

(3) the Ely Field Station of the Bureau of Land Management;

(4) the Caliente Field Office of the Bureau of Land Management;

(5) the Office of the Director of the United States Fish and Wildlife Service; and

(6) the Office of the Desert National Wildlife Complex.

TITLE II—OJITO WILDERNESS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Ojito Wilderness Act''.

SEC. 202. DEFINITIONS.

In this title:

(1) PUEBLO.—The term ''Pueblo'' means the Pueblo of Zia.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of New Mexico.

(4) MAP.—The term ''map'' means the map entitled ''Ojito Wilderness Act'' and dated October 1, 2004.

(5) WILDERNESS.—The term ''Wilderness'' means the Ojito Wilderness designated under section 3(a).

SEC. 203. DESIGNATION OF THE OJITO WILDERNESS.

(a) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is hereby designated as wilderness, and, therefore, as a component of the National Wilderness Preservation System, certain land in the Albuquerque District-Bureau of Land Management, New Mexico, which comprise approximately 11,183 acres, as generally depicted on the map, and which shall be known as the ''Ojito Wilderness''.

(b) MAP AND LEGAL DESCRIPTION.—The map and a legal description of the Wilderness shall—

(1) be filed by the Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives as soon as practicable after the date of the enactment of this Act;

(2) have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in the legal description and map; and

(3) be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) MANAGEMENT OF WILDERNESS.—Subject to valid existing rights, the Wilderness shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this title, except that, with respect to the Wilderness, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(d) MANAGEMENT OF NEWLY ACQUIRED LAND.—If acquired by the United States, the following land shall become part of the Wilderness and shall be managed in accordance with this title and other laws applicable to the Wilderness:

(1) Section 12 of township 15 north, range 01 west, New Mexico Principal Meridian.

(2) Any land within the boundaries of the Wilderness.

(e) MANAGEMENT OF LANDS TO BE ADDED.—The lands generally depicted on the map as ''Lands to be Added'' shall become part of the Wilderness if the United States acquires, or alternative adequate access is available to section 12 of township 15 north, range 01 west.

(f) RELEASE.—The Congress hereby finds and directs that the lands generally depicted on the map as ''Lands to be Released'' have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) and no longer are subject to the requirement of section 603(c) of such Act (16 U.S.C. 1782(c)) pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(g) GRAZING.—Grazing of livestock in the Wilderness, where established before the date of the enactment of this Act, shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in Appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the One Hundred First Congress (H. Rept. 101–405).

(h) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section shall be construed as affecting the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State.

(i) WATER.—Nothing in this section shall affect any existing valid water right.

(j) WITHDRAWAL.—Subject to valid existing rights, the Wilderness, the lands to be added under subsection (e), and lands authorized to be acquired by the Pueblo as generally depicted on the map are withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(k) EXCHANGE.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall seek to complete an exchange for State land within the boundaries of the Wilderness.

SEC. 204. LAND HELD IN TRUST.

(a) IN GENERAL.—Subject to valid existing rights and the conditions under subsection (d), all right, title, and interest of the United States in and to the lands (including improvements, appurtenances, and mineral rights to the lands) generally depicted on the map as ''BLM Lands Authorized to be Acquired by the Pueblo of Zia'' shall, on receipt of consideration under subsection (c) and adoption and approval of regulations under subsection (d), be declared by the Secretary to be held in trust by the United States for the Pueblo and shall be part of the Pueblo's Reservation.

(b) DESCRIPTION OF LANDS.—The boundary of the lands authorized by this section for acquisition by the Pueblo where generally depicted on the map as immediately adjacent to CR906, CR923, and Cucho Arroyo Road shall be 100 feet from the center line of the road.

(c) CONSIDERATION.—

(1) IN GENERAL.—In consideration for the conveyance authorized under subsection (a), the Pueblo shall pay to the Secretary the amount that is equal to the fair market value of the land conveyed, as subject to the terms and conditions in subsection (d), as determined by an independent appraisal.

(2) APPRAISAL.—To determine the fair market value, the Secretary shall conduct an appraisal paid for by the Pueblo that is performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(3) AVAILABILITY.—Any amounts paid under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for the acquisition from willing sellers of land or interests in land in the State.

(d) PUBLIC ACCESS.—

(1) IN GENERAL.—Subject to paragraph (2), the declaration of trust and conveyance under subsection (a) shall be subject to the continuing right of the public to access the land for recreational, scenic, scientific, educational, paleontological, and conservation uses, subject to any regulations for land management and the preservation, protection, and enjoyment of the natural characteristics of the land that are adopted by the Pueblo and approved by the Secretary; Provided that the Secretary shall ensure that the rights provided for in this paragraph are protected and that a process for resolving any complaints by an aggrieved party is established.

(2) CONDITIONS.—Except as provided in subsection (f)—

(A) IN GENERAL.—The land conveyed under subsection (a) shall be maintained as open space, and the natural characteristics of the land shall be preserved in perpetuity.

(B) PROHIBITED USES.—The use of motorized vehicles (except on existing roads or as is necessary for the maintenance and repair of facilities used in connection with grazing operations), mineral extraction, housing, gaming, and other commercial enterprises shall be prohibited within the boundaries of the land conveyed under subsection (a).

(e) RIGHTS OF WAY.—

(1) EXISTING RIGHTS OF WAY.—Nothing in this section shall affect—

(A) any validly issued right-of-way, or the renewal thereof; or

(B) the access for customary construction, operation, maintenance, repair, and replacement activities in any right-of-way issued, granted, or permitted by the Secretary.

(2) NEW RIGHTS OF WAY AND RENEWALS.—

(A) IN GENERAL.—The Pueblo shall grant any reasonable requests for rights-of-way for utilities and pipelines over land acquired under subsection (a) that is designated as the Rights-of-Way corridor #1 as established in the Rio Puerco Resource Management Plan in effect on the date of the grant.

(B) ADMINISTRATION.—Any right-of-way issued or renewed after the date of the enactment of this Act over land authorized to be conveyed by this section shall be administered in accordance with the rules, regulations, and fee payment schedules of the Department of the Interior, including the Rio Puerco Resources Management Plan in effect on the date of issuance or renewal of the right-of-way.

(f) JUDICIAL RELIEF.—

(1) IN GENERAL.—To enforce subsection (d), any person may bring a civil action in the United States District Court for the District of New Mexico seeking declaratory or injunctive relief.

(2) SOVEREIGN IMMUNITY.—The Pueblo shall not assert sovereign immunity as a defense or bar to a civil action brought under paragraph (1).

(3) EFFECT.—Nothing in this section—

(A) authorizes a civil action against the Pueblo for money damages, costs, or attorneys fees; or

(B) except as provided in paragraph (2), abrogates the sovereign immunity of the Pueblo.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4593, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4593 was introduced by myself and would designate over 700,000 acres of wilderness and release over 200,000 acres of land currently being managed as wilderness study areas. It would create a 260-mile off-highway vehicle trail; establish roughly 450 miles of utility corridors within Lincoln County for the purposes of designating rights of way for the Southern Nevada Water Authority and Lincoln County Water District. It would privatize not more than 90,000 acres of public land deemed disposable by the Bureau of Land Management within the county, while conveying not more than 15,000 acres of public land to the State and county for use as parks and open space.

It is important to note that this proposal enjoys the support of the entire Nevada congressional delegation and is the product of exhaustive public participation, which is vital in a comprehensive bill such as this.

This bill was subsequently amended by the Committee on Resources, where one additional title was added. As amended, title II would designate the 11,000 Ojito Wilderness Study Area in Sandoval County, New Mexico, as wilderness and take certain Federal land into trust for the Pueblo of Zia for the purposes of consolidating its land holdings and to protect religious and cultural sites in the area.

Mr. Speaker, it is supported by the majority and minority of the committee. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4593, as it is being brought to the floor today, is a diverse bill affecting land and resources in Nevada and New Mexico.

First and foremost, I want to take this opportunity to commend my colleague the gentleman from New Mexico (Mr. UDALL) for his work on title II of this legislation, which designates the Ojito Wilderness in New Mexico. Title II is the text of H.R. 3176, introduced by the gentleman from New Mexico (Mr. UDALL) and favorably reported from the Committee on Resources.

The language of title II is a model of the legislative process. The gentleman from New Mexico (Mr. UDALL) has developed a bipartisan proposal that has significant local, State and national support, and we strongly support this aspect of H.R. 4593.

Title I of H.R. 4593 is the Lincoln County, Nevada, lands bill. This is a complex and far-reaching piece of legislation that includes utility corridors and rights of way, land sales and conveyances, also wilderness, ORV trails, land exchanges and water. There are still a number of issues and concerns with this title, but we are pleased that at least the two wilderness areas that were previously dropped have been added back in.

Mr. Speaker, H.R. 4593, as amended, is a compromise, and as such, we have no objection to its consideration by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield as much time as he shall consume to the gentleman from Nevada (Mr. PORTER), my good friend and colleague from district three.

Mr. PORTER. Mr. Speaker, I rise today to speak in support of H.R. 4593, the Lincoln County Conservation, Recreation, and Development Act of 2004. I appreciate the opportunity to speak in favor of this valuable legislation, and I am proud to be an original cosponsor.

I would also like to thank my colleague, the gentleman from Nevada (Mr. GIBBONS), for introducing this legislation in the House, as well as Senator ENSIGN and Senator REID for introducing companion legislation in the Senate. H.R. 4593 represents an important compromise and enjoys strong bipartisan support from the entire Nevada congressional delegation.

The area I represent in Congress is one of the fastest growing areas in the Nation. The growth of Clark County has been significant, and it is a tribute to the leadership of our elected and administrative officials, the hard work and dedication of local developers and the economic success of the Las Vegas region.

We have worked hard in the State of Nevada to ensure the organized, strategic and orchestrated growth of our community while still maintaining and preserving many of Nevada's environmental treasures and our resources. This growth, while impressive, has created and placed new and increased pressures on our existing precious resources, such as infrastructure, education and water. In my 20 years in public office, I have seized opportunities to better manage this growth and the responsibilities and liabilities it brings.

I see the Lincoln County Conservation, Recreation and Development Act as legislation that can benefit southern Nevada, Lincoln County and the full State of Nevada as our economy and population continue to grow, specifically with the development of additional water resources.

At a time when Clark County continues to lead the Nation in growth with thousands of new residents each month, Nevada has access to the smallest water allocation of the seven States using the Colorado River. By 2002, our population had increased to 1.6 million people, most of whom reside in the Las Vegas Valley, and water use had far surpassed our 300,000-acre-foot allocation from the Colorado River. As a result, we must remain committed to maximizing the use of available Colorado River water while at the same time making use of existing in-State resources.

As drought continues in the West and our State continues to grow, the development of the in-State water resources grows increasingly important. This legislation will help with the proposed development of our in-State resources intended to diversify our water supply and supplement Nevada's water entitlement from the Colorado River. The Lincoln County Conservation, Recreation and Development Act will help to expedite a solution to southern Nevada's current water situation without

compromising public involvement and environmental compliance.

Mr. Speaker, for the past decade, Colorado River water and conservation have been the most cost-effective options to meet demands in southern Nevada. However, as we plan for the future, the continued development of additional water resources has become necessary.

Development of in-State water resources will provide southern Nevada with a long-term, reliable water supply to meet the increased demands of a growing population and ensure supply during times of drought. Accessing these resources requires significant investment, and H.R. 4593 is an important step forward in achieving these goals.

I would like to urge my colleagues in the House to support this important bipartisan legislation and join me in voting for H.R. 4593.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further speakers on this, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I also have no additional requests for time, would urge adoption of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 4593, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1445

AUTHORIZING SECRETARY OF THE INTERIOR TO PARTICIPATE IN BROWNSVILLE PUBLIC UTILITY BOARD WATER RECYCLING AND DESALINIZATION PROJECT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2960) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Brownsville Public Utility Board water recycling and desalinization project.

The Clerk read as follows:

H.R. 2960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BROWNSVILLE PUBLIC UTILITY BOARD WATER RECYCLING AND DESALINIZATION PROJECT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following new section:

''SEC. 163___. BROWNSVILLE PUBLIC UTILITY BOARD WATER RECYCLING AND DESALINIZATION PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Brownsville Public Utility Board, may participate in the design, planning, and construction of facilities to reclaim, reuse, and treat impaired waters in the Brownsville, Texas, area.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).''.

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is amended by inserting after the last item relating title XVI the following:

''Sec. 163__. Brownsville Public Utility Board water recycling and desalinization project.''.

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2960, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2960, authored by the gentleman from Texas (Mr. ORTIZ), amends the Bureau of Reclamation's Title XVI Program to authorize the Secretary of the Interior, in cooperation with the Brownsville Public Utility Board, to participate in the design, planning, and construction of facilities to reclaim, reuse, and treat impaired waters in the Brownsville, Texas, area. The Federal cost-share for the project will not exceed 25 percent of the total projected cost.

This bill will help ensure delivery of high-quality drinking water for the residents of the Brownsville area. By developing nontraditional water supplies, the community is reducing stress on the over-utilized Rio Grande while providing safe and dependable water supplies for future generations, and I therefore urge adoption of this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I want to begin by commending my friend and colleague on the Committee on Resources, the gentleman from Texas (Mr. ORTIZ), for introducing this bill and for working hard to secure its passage.

The community leaders in the Brownsville, Texas, area also deserve recognition for the decision to use water desalinization and water recycling as tools to stabilize their water supplies and reduce the impact of drought. We strongly support this legislation.

Mr. ORTIZ. Mr. Speaker, I rise in support of H.R. 2960, a bill I introduced that will amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Brownsville Public Utility Board water recycling and desalinization project.

I would like to thank Chairman POMBO, Ranking Member RAHALL, as well as Water and Power Subcommittee Chairman CALVERT and Ranking Member NAPOLITANO, for their valuable support on this legislation.

This bill was considered in the House Resources Committee and was passed with no dissent. It will essentially allow the Brownsville PUB to participate in water recycling and desalinization project funding authorized by the Secretary of the Interior.

This bill, H.R. 2960, makes the Brownsville Public Utilities Board (PUB) eligible for a Federal share of Title 16 funding for design, planning, and construction of facilities to reclaim, reuse, and treat impaired waters in the Brownsville area.

PUB's water supply plan has several components including: reclaiming brackish groundwater (not obligated under the Mexican water treaty) through desalinization, and building a pipeline to transport treated sewage for irrigation. This is an important bill for Brownsville and the PUB because it will make them eligible for grants to do the essential work of reclaiming waters that are currently unusable in the South Texas area.

Given our current water situation, and the ongoing water debt with Mexico, Brownsville and the Rio Grande Valley must use all our creativity to find new sources of water for the next century to attend to all the needs of future water users. South Texas has seen an amazing amount of growth, a dynamic we expect to continue for decades to come. The more varied, and more creative, we are in finding new water sources, the more successful we will be in attracting new industry to sustain the growth of our Valley economy.

I ask my colleagues to support this bill.

Mr. CHRISTENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 2960.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVO RIVER PROJECT TRANSFER ACT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3391) to authorize the Secretary of the Interior to convey certain lands and facilities of the Provo River Project, as amended.

The Clerk read as follows:

H.R. 3391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Provo River Project Transfer Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the contract numbered 04–WC–40–8950 and entitled ''Agreement Among the United States, the Provo River Water Users Association, and the Metropolitan Water District of Salt Lake & Sandy to Transfer Title to Certain Lands and Facilities of the Provo River Project'' and shall include maps of the land and features to be conveyed under the Agreement.

(2) ASSOCIATION.—The term ''Association'' means the Provo River Water Users Association, a nonprofit corporation organized under the laws of the State.

(3) DISTRICT.—The term ''District'' means the Metropolitan Water District of Salt Lake & Sandy, a political subdivision of the State.

(4) PLEASANT GROVE PROPERTY.—

(A) IN GENERAL.—The term ''Pleasant Grove Property'' means the 3.79-acre parcel of land acquired by the United States for the Provo River Project, Deer Creek Division, located at approximately 285 West 1100 North, Pleasant Grove, Utah, as in existence on the date of enactment of this Act.

(B) INCLUSIONS.—The term ''Pleasant Grove Property'' includes the office building and shop complex constructed by the Association on the parcel of land described in subparagraph (A).

(5) PROVO RESERVOIR CANAL.—The term ''Provo Reservoir Canal'' means the canal, and any associated land, rights-of-way, and facilities acquired, constructed, or improved by the United States as part of the Provo River Project, Deer Creek Division, extending from, and including, the Murdock Diversion Dam at the mouth of Provo Canyon, Utah, to and including the Provo Reservoir Canal Siphon and Penstock, as in existence on the date of enactment of this Act.

(6) SALT LAKE AQUEDUCT.—The term ''Salt Lake Aqueduct'' means the aqueduct and associated land, rights-of-way, and facilities acquired, constructed or improved by the United States as part of the Provo River Project, Aqueduct Division, extending from, and including, the Salt Lake Aqueduct Intake at the base of Deer Creek Dam to and including the Terminal Reservoirs located at 3300 South St. and Interstate Route 215 in Salt Lake City, Utah, as in existence on the date of enactment of this Act.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior or a designee of the Secretary.

(8) STATE.—The term ''State'' means the State of Utah.

SEC. 3. CONVEYANCE OF LAND AND FACILITIES.

(a) CONVEYANCES TO ASSOCIATION.—

(1) PROVO RESERVOIR CANAL.—

(A) IN GENERAL.—In accordance with the terms and conditions of the Agreement and subject to subparagraph (B), the Secretary shall convey to the Association, all right, title, and interest of the United States in and to the Provo Reservoir Canal.

(B) CONDITION.—The conveyance under subparagraph (A) shall not be completed until the Secretary executes the Agreement and accepts future arrangements entered into by the Association, the District, the Central Utah Water Conservancy District, and the Jordan Valley Water Conservancy District providing for the operation, ownership, financing, and improvement of the Provo Reservoir Canal.

(2) PLEASANT GROVE PROPERTY.—In accordance with the terms and conditions of the Agreement, the Secretary shall convey to the Association, all right, title, and interest of the United States in and to the Pleasant Grove Property.

(b) CONVEYANCE TO DISTRICT.—

(1) IN GENERAL.—In accordance with the terms and conditions of the Agreement, and subject to the execution of the Agreement by the Secretary the Secretary shall convey to the District, all right, title, and interest of the United States in and to Salt Lake Aqueduct.

(2) EASEMENTS.—

(A) IN GENERAL.—As part of the conveyance under paragraph (1), the Secretary shall grant to the District permanent easements to—

(i) the National Forest System land on which the Salt Lake Aqueduct is located; and

(ii) land of the Aqueduct Division of the Provo River Project that intersects the parcel of non-Federal land authorized to be conveyed to the United States under section 104(a) of Public Law 107–329 (116 Stat. 2816).

(B) PURPOSE.—The easements conveyed under subparagraph (A) shall be for the use, operation, maintenance, repair, improvement, or replacement of the Salt Lake Aqueduct by the District.

(C) LIMITATION.—The United States shall not carry out any activity on the land subject to the easements conveyed under subparagraph (A) that would materially interfere with the use, operation, maintenance, repair, improvement, or replacement of the Salt Lake Aqueduct by the District.

(D) BOUNDARIES.—The boundaries of the easements conveyed under subparagraph (A) shall be determined by the Secretary, in consultation with the District and the Secretary of Agriculture.

(E) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(i) IN GENERAL.—On conveyance of the easement to the land described in subparagraph (A)(ii), the Secretary, subject to the easement, shall transfer to the Secretary of Agriculture administrative jurisdiction over the land.

(ii) ADMINISTRATIVE SITE.—The land transferred under clause (i) shall be administered by the Secretary of Agriculture as an administrative site.

(F) ADMINISTRATION.—The easements conveyed under subparagraph (A) shall be administered by the Secretary of Agriculture in accordance with section 501(b)(3) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761(b)(3)).

(c) CONSIDERATION.—

(1) ASSOCIATION.—

(A) IN GENERAL.—In exchange for the conveyance under subsection (a)(1), the Association shall pay the Secretary an amount that is equal to the sum of—

(i) the net present value of any remaining debt obligation of the United States with respect to the Provo Reservoir Canal; and

(ii) the net present value of any revenues from the Provo Reservoir Canal that, based on past history—

(I) would be available to the United States but for the conveyance of the Provo Reservoir Canal under subsection (a)(1); and

(II) would be deposited in the reclamation fund established under the first section of the Act of June 17, 1902 (43 U.S.C. 391), and credited under the terms of Reclamation Manual/Directives and Standards PEC 03–01.

(B) DEDUCTION.—In determining the net present values under clauses (i) and (ii) of subparagraph (A), the Association may deduct from the net present value such sums as are required for the reimbursement described in the Agreement.

(2) DISTRICT.—

(A) IN GENERAL.—In exchange for the conveyance under subsection (b)(1), the District shall pay the Secretary an amount that is equal to the sum of—

(i) the net present value of any remaining debt obligation of the United States with respect to the Salt Lake Aqueduct; and

(ii) the net present value of any revenues from the Salt Lake Aqueduct that, based on past history—

(I) would have been available to the United States but for the conveyance of the Salt Lake Aqueduct under subsection (b)(1); and

(II) would be deposited in the reclamation fund established under the first section of the Act of June 17, 1902 (43 U.S.C. 391), and credited under the terms of Reclamation Manual/Directives and Standards PEC 03–01.

(B) DEDUCTION.—In determining the net present values under clauses (i) and (ii) of subparagraph (A), the District may deduct from the net present value such sums as are required for the reimbursement described in the Agreement.

(d) PAYMENT OF COSTS.—In addition to amounts paid to the Secretary under subsection (c), the Association and the District shall, in accordance with the Agreement, pay the Secretary—

(1) any necessary and reasonable administrative and real estate transfer costs incurred by the Secretary in carrying out the conveyance; and

(2) ½ of any necessary and reasonable costs associated with complying with—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C)(i) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(ii) any other Federal cultural resource laws.

(e) COMPLIANCE WITH ENVIRONMENTAL LAWS.—

(1) IN GENERAL.—Before conveying land and facilities under subsections (a) and (b), the Secretary shall comply with all applicable requirements under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) any other law applicable to the land and facilities.

(2) EFFECT.—Nothing in this Act modifies or alters any obligations under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 4. EXISTING CONTRACTS.

(a) DEER CREEK DIVISION CONSTRUCTION CONTRACT.—Notwithstanding the conveyances under subsections (a) and (b)(1) of section 3, and subject to the terms of the Agreement any portion of the Deer Creek Division, Provo River Project, Utah, that is not conveyed under that section shall continue to be operated and maintained by the Association, in accordance with the contract numbered I1r–874, dated June 27, 1936, and entitled the ''Contract Between the United States and Provo River Water Users Association Providing for the Construction of the Deer Creek Division of the Provo River Project, Utah''.

(b) PROVO RIVER PROJECT AND JORDAN AQUEDUCT SYSTEM CONTRACTS.—Subject to the terms of the Agreement, any written contract of the United States in existence on the date of enactment of this Act relating to the operation and maintenance of any division or facility of the Provo River Project or the Jordan Aqueduct System is confirmed and declared to be a valid contract of the

United States that is enforceable in accordance with the express terms of the contract.

(c) USE OF CENTRAL UTAH PROJECT WATER.—

(1) IN GENERAL.—Subject to paragraph (2), any entity with contractual Provo Reservoir Canal or Salt Lake Aqueduct capacity rights in existence on the date of enactment of this Act may, in addition to the uses described in the existing contracts, use the capacity rights, without additional charge or further approval from the Secretary, to transport Central Utah Project water on behalf of the entity or others.

(2) LIMITATIONS.—An entity shall not use the capacity rights to transport Central Utah Project water under paragraph (1) unless—

(A) the transport of the water is expressly authorized by the Central Utah Water Conservancy District;

(B) the use of the water facility to transport the Central Utah Project water is expressly authorized by the entity responsible for operation and maintenance of the facility; and

(C) carrying Central Utah Project water through Provo River Project facilities would not—

(i) materially impair the ability of the Central Utah Water Conservancy District or the Secretary to meet existing express environmental commitments for the Bonneville Unit; or

(ii) require the release of additional Central Utah Project water to meet those environmental commitments.

(d) AUTHORIZED MODIFICATIONS.—The Agreement may provide for—

(1) the modification of the 1936 Repayment Contract for the Deer Creek Division of the Provo River Project to reflect the partial prepayment, the adjustment of the annual repayment amount, and the transfer of the Provo Reservoir Canal and the Pleasant Grove Property; and

(2) the modification or termination of the 1938 Repayment Contract for the Aqueduct Division of the Provo River Project to reflect the complete payout and transfer of all facilities of the Aqueduct Divsion.

(e) EFFECT OF ACT.—Nothing in this Act impairs any contract (including subscription contracts) in effect on the date of enactment of this Act that allows for or creates a right to convey water through the Provo Reservoir Canal.

SEC. 5. EFFECT OF CONVEYANCE.

On conveyance of any land or facility under subsection (a) or (b)(1) of section 3—

(1) the land and facilities shall no longer be part of a Federal reclamation project;

(2) the Association and the District shall not be entitled to receive any future reclamation benefits with respect to the land and facilities, except for benefits that would be available to other nonreclamation facilities; and

(3) the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the land and facilities, but shall continue to be liable for damages caused by acts of negligence committed by the United States or by any employee or agent of the United States before the date of conveyance, consistent with chapter 171 of title 28, United States Code.

SEC. 6. REPORT.

If a conveyance required under subsection (a) or (b)(1) of section 3 is not completed by the date that is 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(1) describes the status of the conveyance;

(2) describes any obstacles to completing the conveyance; and

(3) specifies an anticipated date for completion of the conveyance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 3391, as amended, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3391, authored the gentleman from Utah (Mr. CANNON), authorizes the Secretary of the Interior to convey title to certain lands and facilities of the Provo River Project in the State of Utah. These facilities are operated and maintained by the Provo River Water Users Association and the Metropolitan Water District of Salt Lake and Sandy under contracts with the Bureau of Reclamation.

The bill, as amended, is the result of diverse stakeholders working cooperatively to pursue solutions to multiple concerns. Reclamation, the association, Metro, the Central Utah Water Conservancy District, Jordan Valley Water Conservancy District, and the Canal Company have created this legislation to address human safety and seismic concerns, and to have the ability to obtain low-interest financing for the rehabilitation cost.

Today, Congress has the opportunity to make this collaborative effort come true for the water users of central Utah; and so, Mr. Speaker, I urge adoption of this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, the majority has explained the pending measure. We, on this side of the aisle, have no objection to its consideration.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 3391, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING SECRETARY OF THE INTERIOR FOR CONSTRUCTION OF LOWER SANTA MARGARITA CONJUNCTIVE USE PROJECT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4389) to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

For the purposes of this section, the following definitions apply:

(1) DISTRICT.—The term ''District'' means the Fallbrook Public Utility District, San Diego County, California.

(2) PROJECT.—The term ''Project'' means the impoundment, recharge, treatment, and other facilities the construction, operation, and maintenance of which is authorized under subsection (b).

SEC. 2. AUTHORIZATION FOR CONSTRUCTION OF LOWER SANTA MARGARITA CONJUNCTIVE USE PROJECT.

(a) AUTHORIZATION.—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, as far as those laws are not inconsistent with the provisions of this Act, is authorized to construct, operate, and maintain to make the yield of the Lower Santa Margarita Conjunctive Use Project to be located below the confluence of De Luz Creek with the Santa Margarita River on Camp Joseph H. Pendleton, the Fallbrook Annex of the Naval Weapons Station, and surrounding lands within the service area of the District available for irrigation, municipal, domestic, military, and other uses for the District and such other users as herein provided.

(b) CONDITIONS.—The Secretary of the Interior may construct the Project only after the Secretary of the Interior determines that the following conditions have occurred:

(1) The District has entered into a contract under section 9(d) of the Reclamation Project Act of 1939 to repay to the United States appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project, together with interest as hereinafter provided.

(2) The officer or agency of the State of California authorized by law to grant permits for the appropriation of water has granted such permits to the Bureau of Reclamation for the benefit of the Department of the Navy and the District as permitees for rights to the use of water for storage and diversion as provided in this Act, including approval of all requisite changes in points of diversion and storage, and purposes and places of use.

(3) The District has agreed that it will not assert against the United States any prior appropriative right the District may have to water in excess of the quantity deliverable to it under this Act, and will share in the use of the waters impounded by the Project on the basis of equal priority and in accordance with the ratio prescribed in section 4(b). This

agreement and waiver and the changes in points of diversion and storage under paragraph (2), shall become effective and binding only when the Project has been completed and put into operation.

(4) The Secretary of the Interior has determined that the Project has economic, environmental, and engineering feasibility.

SEC. 3. COSTS.

The Department of the Navy shall not be responsible for any costs in connection with the Project, except upon completion and then shall be charged in reasonable proportion to its use of the Project under regulations agreed upon by the Secretary of the Navy and Secretary of the Interior.

SEC. 4. OPERATION; YIELD ALLOTMENT; DELIVERY.

(a) OPERATION.—The operation of the Project may be by the Secretary of the Interior or otherwise as agreed upon by the Secretaries of the Interior and the Navy and the District, under regulations satisfactory to the Secretary of the Navy with respect to the Navy's share of the impounded water and national security.

(b) YIELD ALLOTMENT.—Except as otherwise agreed between the parties, the Department of the Navy and the District shall participate in the water impounded by the Project on the basis of equal priority and in accordance with the following ratio:

(1) 60 percent of the Project's yield is allotted to the Secretary of the Navy.

(2) 40 percent of the Project's yield is allotted to the District.

(c) CONTRACTS FOR DELIVERY OF WATER.—

(1) IN GENERAL.—If the Secretary of the Navy certifies that the Department of the Navy does not have immediate need for any portion of the 60 percent yield allotted under subsection (b), the official agreed upon to administer the Project may enter into temporary contracts for the delivery of the excess water.

(2) FIRST RIGHT FOR EXCESS WATER.—The first right of the Secretary of the Navy to demand that water without charge and without obligation on the part of the United States after 30 days notice shall be included as a condition of contracts entered into under this subsection. The first right to water available under paragraph (1) shall be given the District, if otherwise consistent with the laws of the State of California.

(3) DISPOSITION OF FUNDS.—Moneys paid to the United States under a contract under this subsection shall be covered into the general Treasury or to the Secretary of the Navy, as services in lieu of payment for operation and maintenance of the Project, and shall not be applied against the indebtedness of the District to the United States.

(4) MODIFICATION OF RIGHTS AND OBLIGATIONS RELATED TO WATER YIELD.—The rights and obligations of the United States and the District regarding the ratio or amounts of Project yield delivered may be modified by an agreement between the parties.

SEC. 5. REPAYMENT OBLIGATION OF THE DISTRICT.

(a) IN GENERAL.—The general repayment obligation of the District shall be determined by the Secretary of the Interior consistent with the Water Supply Act of 1958; provided, however, that for the purposes of calculating interest and determining the time when the District's repayment obligation to the United States commences, the pumping and treatment of groundwater from the Project shall be deemed equivalent to the first use of water from a water storage project.

(b) MODIFICATION OF RIGHTS AND OBLIGATION BY AGREEMENT.—The rights and obligations of the United States and the District regarding the repayment obligation of the District may be modified by an agreement between the parties.

SEC. 6. TRANSFER OF CARE, OPERATION, AND MAINTENANCE.

The Secretary may transfer to the District, or a mutually agreed upon third party, the care, operation, and maintenance of the Project under conditions satisfactory to that Secretary and the District, and with respect to the portion of the Project that is located within the boundaries of Camp Pendleton, satisfactory also to the Secretary of the Navy. If such a transfer takes place, the District shall be entitled to an equitable credit for the costs associated with the Secretary's proportionate share of the operation and maintenance of the Project. The amount of such costs shall be applied against the indebtedness of the District to the United States.

SEC. 7. SCOPE OF ACT.

For the purpose of this Act, the basis, measure, and limit of all rights of the United States pertaining to the use of water shall be the laws of the State of California. That nothing in this Act shall be construed—

(1) as a grant or a relinquishment by the United States of any rights to the use of water that it acquired according to the laws of the State of California, either as a result of its acquisition of the lands comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of that acquisition, or through actual use or prescription or both since the date of that acquisition, if any;

(2) to create any legal obligation to store any water in the Project, to the use of which the United States has such rights;

(3) to constitute a recognition of, or an admission that, the District has any rights to the use of water in the Santa Margarita River, which rights, if any, exist only by virtue of the laws of the State of California; or

(4) to require the division under this Act of water to which the United States has such rights.

SEC. 8. LIMITATIONS ON OPERATION AND ADMINISTRATION.

Unless otherwise agreed by the Secretary of the Navy, the Project—

(1) shall be operated in a manner which allows the free passage of all of the water to the use of which the United States is entitled according to the laws of the State of California either as a result of its acquisition of the lands comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of those acquisitions, or through actual use or prescription, or both, since the date of that acquisition, if any; and

(2) shall not be administered or operated in any way which will impair or deplete the quantities of water the use of which the United States would be entitled under the laws of the State of California had the Project not been built.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the following:

(1) $60,000,000 (the current estimated construction cost of the Project, plus or minus such amounts as may be indicated by the engineering cost indices for this type of construction); and

(2) such sums as may be required to operate and maintain the said project.

SEC. 10. REPORTS TO CONGRESS.

Not later than 1 year after the date of the enactment of this Act and periodically thereafter, the Secretary of the Interior and the Secretary of the Navy shall each report to the Congress regarding if the conditions specified in section 2(b) have been met and if so, the details of how they were met.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4389, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4389, introduced by our colleague, the gentleman from California (Mr. ISSA), authorizes the construction of a groundwater recharge and pumping project in the lower Santa Margarita River Basin in Southern California. If constructed, the project could provide much-needed water to the local water utility district and to the Camp Pendleton Marine Base for its military needs.

Supporters believe this project, in conjunction with ongoing water conservation measures, will augment the local water district's water supply, will relieve additional demands on the future for costly and limited imported water supplies, and sets aside and preserves valuable environmental habitats.

This project is an excellent example of a local agency working to secure safe and dependable water supplies for future generations, and I urge the adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, the majority has explained the pending measure. I see the sponsor of the legislation is preparing to speak on it. We on this side have no objection to its consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ISSA), Congressman to the 49th District of California and a valued member of the Committee on Energy and Commerce.

Mr. ISSA. Mr. Speaker, I thank the gentleman for his comments and for yielding me this time.

Mr. Speaker, I rise today in support of H.R. 4389, which I introduced in June of 2004. I want to take this opportunity to thank the chairman of the Committee on Resources, the subcommittee chairman, the ranking member on the

Subcommittee on Water and Power, and all the staff who have worked so hard to bring this important piece of legislation to the floor in an expeditious fashion.

H.R. 4389 authorizes the construction of a conjunctive use water project on the Santa Margarita River in Fallbrook, California. The project will treat water drawn from the Santa Margarita River and offer a reliable water source to the Camp Pendleton Marines and the surrounding communities. Over 60,000 military and civilian personnel work aboard that base each day. It is home to the 1st Marine Expeditionary Force, 1st Marine Division, 1st Force Service Support Group and many other tenants, more than half of whom have been serving in Iraq as we speak.

Securing a reliable source of drinking water has been an ongoing challenge for this base. In fact, this piece of legislation is really a piece of legislation begun by my predecessor, Mr. Ron Packard, who today continues to oversee the completion of this project. It is truly his legacy we are passing on today.

San Diego County has relatively few natural resources for fresh drinking water and has forced the import of 90 percent of the water it consumes annually. This project is vital for the future of San Diego County because it provides over 15,000 acre feet of drinking water that will not have to be imported from the already overtaxed Colorado River or the Bay-Delta.

Additionally, this bill will provide the first connection to Southern California's imported drinking water supply from the San Diego aqueduct. This will supply quality safe drinking water for Camp Pendleton, and the construction of this project will dramatically improve the quality of life for Marines, their families, and to this important military installation.

Mr. Speaker, I urge support and passage of H.R. 4389.

Mr. ISSA. Mr. Speaker, I rise today in support of H.R. 4389, which I introduced on June 23, 2004. I want to take this opportunity to thank the Chairman of the Resources Committee, the Subcommittee Chairman on Water and Power and all the staff involved for reporting this bill favorably to the floor in an expeditious manner.

H.R. 4389 authorizes the construction of a conjunctive use water project on the Santa Margarita River in Fallbrook, CA. This project will treat water drawn from the Santa Margarita River and offer a reliable water supply for Marine Corps Base, Camp Pendleton and the surrounding communities. Over 60,000 military and civilian personnel work aboard the base everyday. It is the home of 1st Marine Expeditionary Force, 1st Marine Division, 1st Force Service Support Group and many tenant units. Securing a reliable source of quality drinking water has been an ongoing challenge for the base.

San Diego County has relatively few natural sources to draw drinking water from and it is forced to import over 90 percent of all the water consumed annually. This project is vital to the future of San Diego County because it will provide 15,000 acre feet of drinking water; we will not need to import from the Colorado River or the Bay Delta. Additionally, this bill will provide a connection for the first time to Southern California's imported water supply via the San Diego Aqueduct.

The water quality for Camp Pendleton will dramatically improve with the construction of this project, and the quality of life of Marines and their families at this important military installation will be enhanced.

I want to thank the Chairman for the opportunity to speak on H.R. 4389, and I urge my colleagues to vote in favor of this bill.

Ms. BERKLEY. Mr. Speaker, I rise today in support of the Lincoln County Conservation, Recreation, and Development Act of 2004. I would like to thank Mr. GIBBONS, Mr. PORTER, Mr. RAHALL, Mr. POMBO, and the members of the Resources Committee for their diligent work on this bipartisan legislation that is important to all Nevadans.

The Lincoln County Conservation, Recreation, and Development Act is the result of the cooperation and support of the entire Nevada delegation. This carefully crafted piece of legislation strikes a delicate balance between encouraging economic development in Lincoln County, protecting Nevada's environment, and managing essential natural resources.

The Federal Government controls over 98 percent of the land in Lincoln County. Allowing for the private development of a portion of this land would provide for an increase in economic growth in Lincoln County. Property taxes collected would be reinvested to maintain critical government services and improve infrastructure and recreational opportunities within the County. Proceeds from land sales will also be reinvested to preserve and manage parks, trails, and natural resources, and pay for development of a multi-species conservation plan.

This comprehensive legislation will aid in the preservation of our natural resources and public lands in Lincoln County. Nearly 770,000 acres of land will be designated as wilderness, and thousands of acres in Lincoln County will be protected to create more parks and trails for future generations. I am extremely pleased that the Mount Irish, Big Rocks and Mormon Mountain areas were included as wilderness designations in the final version of this vital legislation. These sites are rich in archeological artifacts and wilderness designation provides the necessary protection for these treasures.

I recognize the importance of ensuring that environmentally sensitive lands are protected. Under this legislation the Bureau of Land Management will complete a full environmental impact statement pursuant to the National Environmental Policy Act (NEPA). Another provision provides the Secretary of the Interior the authority to set aside 10,000 acres of the land to be auctioned for potential cultural and natural resource issues that may arise.

This sensible piece of legislation will provide an economic boost to the communities of Lincoln County and protect and promote Nevada's unique natural areas while providing exciting opportunities to sustain future growth in our great State.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 4389, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONVEYANCE OF CERTAIN LAND HELD IN TRUST FOR THE PAIUTE INDIAN TRIBE OF UTAH TO THE CITY OF RICHFIELD, UT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3982) to direct the Secretary of the Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes.

The Clerk read as follows:

H.R. 3982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE TO CITY.

(a) AUTHORIZATION FOR CONVEYANCE.—Not later than 90 days after the Secretary receives a request from the Tribe and the City to convey all right, title, and interest of the United States and the Tribe in and to the Property to the City, the Secretary shall take the Property out of trust status and convey the Property to the City.

(b) TERMS AND CONDITIONS.—The conveyance under subsection (a) shall be subject to the following conditions:

(1) TRIBAL RESOLUTION.—Prior to conveying the Property under subsection (a), the Secretary shall ensure that the terms of the sale have been approved by a tribal resolution of the Tribe.

(2) CONSIDERATION.—Consideration given by the City for the Property shall be not less than the appraised fair market value of the Property.

(3) NO FEDERAL COST.—The City shall pay all costs related to the conveyance authorized under this section.

(c) PROCEEDS OF SALE.—The proceeds from the conveyance of the Property under this section shall be given immediately to the Tribe.

(d) FAILURE TO MAKE CONVEYANCE.—If after the Secretary takes the Property out of trust status pursuant to subsection (a) the City or the Tribe elect not to carry out the conveyance under that subsection, the Secretary shall take the Property back into trust for the benefit of the Tribe.

SEC. 2. TRIBAL RESERVATION.

Land acquired by the United States in trust for the Tribe after February 17, 1984, shall be part of the Tribe's reservation.

SEC. 3. TRUST LAND FOR SHIVWITS OR KANOSH BANDS.

If requested to do so by a tribal resolution of the Tribe, the Secretary shall take land held in trust by the United States for the benefit of the Tribe out of such trust status and take that land into trust for the Shivwits or Kanosh Bands of the Paiute Indian Tribe of Utah, as so requested by the Tribe.

SEC. 4. CEDAR BAND OF PAIUTES TECHNICAL CORRECTION.

The Paiute Indian Tribe of Utah Restoration Act (25 U.S.C. 761) is amended by striking ''Cedar City'' each place it appears and

inserting ''Cedar''. Any reference in a law, map, regulation, document, paper, or other record of the United States to the ''Cedar City Band of Paiute Indians'' shall be deemed to be a reference to the ''Cedar Band of Paiute Indians''.

SEC. 5. DEFINITIONS.

For the purposes of this Act:

(1) CITY.—The term ''City'' means the City of Richfield, Utah.

(2) PROPERTY.—The term ''Property'' means the parcel of land held by the United States in trust for the Paiute Indian Tribe of Utah located in Section 2, Township 24 South, Range 3 West, Salt Lake Base and Meridian, Sevier County, Utah and more particularly described as follows: Beginning at a point on the East line of the Highway which is West 0.50 chains, more or less, and South 8° 21° West, 491.6 feet from the Northeast Corner of the Southwest Quarter of Section 2, Township 24 South, Range 3 West, Salt Lake Base and Meridian, and running thence South 81° 39° East, perpendicular to the highway, 528.0 feet; thence South 26° 31° West, 354.6 feet; thence North 63° 29° West, 439.3 feet to said highway; thence North 8° 21° East, along Easterly line of said highway 200.0 feet to the point of beginning, containing 3.0 acres more or less.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TRIBE.—The term ''Tribe'' means the Paiute Indian Tribe of Utah.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3982, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3982 is sponsored by the gentleman from Utah (Mr. CANNON). The legislation authorizes the Secretary of the Interior to take a 3-acre parcel of land owned by the Paiute Indian Tribe out of trust so the tribe can sell it to the City of Richfield, Utah. The land would be sold only on a willing-seller basis for fair market value and would be used by the city to expand its municipal airport.

H.R. 3982 also authorizes the Secretary to transfer three parcels of trust land to two of the Tribe's constituent bands. The parcels, each of which is one acre or less, will remain in trust for the benefit of the individual bands.

Finally, H.R. 3982 changes the name of the Cedar City Band of Paiute Indians of Utah to the Cedar Band of Paiute Indians of Utah. The tribe and all local entities support this bill, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, as congressional action is required for land and trusts to be sold, and the Paiute Indian Tribe has contacted us for assistance, we are very supportive of authorizing the Secretary to convey these lands for the tribe.

We support the tribe's sovereign decision to sell these lands and wish them the best in further economic development. We urge our colleagues to support H.R. 3982.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 3982.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1500

ALASKA NATIVE ALLOTMENT SUBDIVISION ACT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1421) to authorize the subdivision and dedication of restricted land owned by Alaska Natives.

The Clerk read as follows:

S. 1421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Alaska Native Allotment Subdivision Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) RESTRICTED LAND.—The term ''restricted land'' means land in the State that is subject to Federal restrictions against alienation and taxation.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of Alaska.

SEC. 3. SUBDIVISION AND DEDICATION OF ALASKA NATIVE RESTRICTED LAND.

(a) IN GENERAL.—An Alaska Native owner of restricted land may, subject to the approval of the Secretary—

(1) subdivide the restricted land in accordance with the laws of the—

(A) State; or

(B) applicable local platting authority; and

(2) execute a certificate of ownership and dedication with respect to the restricted land subdivided under paragraph (1) with the same effect under State law as if the restricted land subdivided and dedicated were held by unrestricted fee simple title.

(b) RATIFICATION OF PRIOR SUBDIVISIONS AND DEDICATIONS.—Any subdivision or dedication of restricted land executed before the date of enactment of this Act that has been approved by the Secretary and by the relevant State or local platting authority, as appropriate, shall be considered to be ratified and confirmed by Congress as of the date on which the Secretary approved the subdivision or dedication.

SEC. 4. EFFECT ON STATUS OF LAND NOT DEDICATED.

Except in a case in which a specific interest in restricted land is dedicated under section 3(a)(2), nothing in this Act terminates, diminishes, or otherwise affects the continued existence and applicability of Federal restrictions against alienation and taxation on restricted land or interests in restricted land (including restricted land subdivided under section 3(a)(1)).

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Senate 1421 is legislation sponsored by the gentlewoman from Alaska (Senator MURKOWSKI) that will yield tremendous benefits to Alaska native owners of lands they obtained under the Native Allotment Act of 1906.

The bill resolves a problem that is confounding the State of Alaska, Alaska municipalities and the owners of native allotments. In the past few years, government attorneys have questioned whether current law authorizes the subdivision of Alaska native allotments or the placement of certain easements across them. Some allotments have already been subdivided, and the validity of these subdivisions is now in question.

This bill fixes the problem. It allows Alaska natives to subdivide their allotments and dedicate rights-of-way on them, according to State law, without losing the protections in the restricted status of such lands.

The law does not force Alaska natives to do anything with their lands. Rather, it gives them more freedom to utilize their property in an economically beneficial manner.

This is an excellent, noncontroversial bill worked out cooperatively by all affected parties. I urge the adoption of this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, the majority has explained the pending

measure. We on this side have no objection to its consideration.

Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I urge the adoption of this measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 1421.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

NOXIOUS WEED CONTROL AND ERADICATION ACT OF 2004

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 144) to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land, as amended.

The Clerk read as follows:

S. 144

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NOXIOUS WEED CONTROL AND ERADICATION.

The Plant Protection Act (7 U.S.C. 7701 et seq.) is amended by adding at the end the following new subtitle—

"Subtitle E—Noxious Weed Control and Eradication

"SEC. 451. SHORT TITLE.

''This subtitle may be cited as the 'Noxious Weed Control and Eradication Act of 2004'.

"SEC. 452. DEFINITIONS.

''In this subtitle:

''(1) INDIAN TRIBE.—The term 'Indian Tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(2) WEED MANAGEMENT ENTITY.—The term 'weed management entity' means an entity that—

''(A) is recognized by the State in which it is established;

''(B) is established for the purpose of or has demonstrable expertise and significant experience in controlling or eradicating noxious weeds and increasing public knowledge and education concerning the need to control or eradicate noxious weeds;

''(C) may be multijurisdictional and multidisciplinary in nature;

''(D) may include representatives from Federal, State, local, or, where applicable, Indian Tribe governments, private organizations, individuals, and State-recognized conservation districts or State-recognized weed management districts; and

''(E) has existing authority to perform land management activities on Federal land if the proposed project or activity is on Federal lands.

''(3) FEDERAL LANDS.—The term 'Federal lands' means those lands owned and managed by the United States Forest Service or the Bureau of Land Management.

"SEC. 453. ESTABLISHMENT OF PROGRAM.

''(a) IN GENERAL.—The Secretary shall establish a program to provide financial and technical assistance to control or eradicate noxious weeds.

''(b) GRANTS.—Subject to the availability of appropriations under section 457(a), the Secretary shall make grants under section 454 to weed management entities for the control or eradication of noxious weeds.

''(c) AGREEMENTS.—Subject to the availability of appropriations under section 457(b), the Secretary shall enter into agreements under section 455 with weed management entities to provide financial and technical assistance for the control or eradication of noxious weeds.

"SEC. 454. GRANTS TO WEED MANAGEMENT ENTITIES.

''(a) CONSULTATION AND CONSENT.—In carrying out a grant under this subtitle, the weed management entity and the Secretary shall—

''(1) if the activities funded under the grant will take place on Federal land, consult with the heads of the Federal agencies having jurisdiction over the land; or

''(2) obtain the written consent of the non-Federal landowner.

''(b) GRANT CONSIDERATIONS.—In determining the amount of a grant to a weed management entity, the Secretary shall consider—

''(1) the severity or potential severity of the noxious weed problem;

''(2) the extent to which the Federal funds will be used to leverage non-Federal funds to address the noxious weed problem;

''(3) the extent to which the weed management entity has made progress in addressing the noxious weeds problem; and

''(4) other factors that the Secretary determines to be relevant.

''(c) USE OF GRANT FUNDS; COST SHARES.—

''(1) USE OF GRANTS.—A weed management entity that receives a grant under subsection (a) shall use the grant funds to carry out a project authorized by subsection (d) for the control or eradication of a noxious weed.

''(2) COST SHARES.—

''(A) FEDERAL COST SHARE.—The Federal share of the cost of carrying out an authorized project under this section exclusively on non-Federal land shall not exceed 50 percent.

''(B) FORM OF NON-FEDERAL COST SHARE.—The non-Federal share of the cost of carrying out an authorized project under this section may be provided in cash or in kind.

''(d) AUTHORIZED PROJECTS.—Projects funded by grants under this section include the following:

''(1) Education, inventories and mapping, management, monitoring, methods development, and other capacity building activities, including the payment of the cost of personnel and equipment that promote control or eradication of noxious weeds.

''(2) Other activities to control or eradicate noxious weeds or promote control or eradication of noxious weeds.

''(e) APPLICATION.—To be eligible to receive assistance under this section, a weed management entity shall prepare and submit to the Secretary an application containing such information as the Secretary shall by regulation require.

''(f) SELECTION OF PROJECTS.—Projects funded under this section shall be selected by the Secretary on a competitive basis, taking into consideration the following:

''(1) The severity of the noxious weed problem or potential problem addressed by the project.

''(2) The likelihood that the project will prevent or resolve the problem, or increase knowledge about resolving similar problems.

''(3) The extent to which the Federal funds will leverage non-Federal funds to address the noxious weed problem addressed by the project.

''(4) The extent to which the program will improve the overall capacity of the United States to address noxious weed control and management.

''(5) The extent to which the weed management entity has made progress in addressing noxious weed problems.

''(6) The extent to which the project will provide a comprehensive approach to the control or eradication of noxious weeds.

''(7) The extent to which the project will reduce the total population of noxious weeds.

''(8) The extent to which the project promotes cooperation and participation between States that have common interests in controlling and eradicating noxious weeds.

''(9) Other factors that the Secretary determines to be relevant.

''(g) REGIONAL, STATE, AND LOCAL INVOLVEMENT.—In determining which projects receive funding under this section, the Secretary shall, to the maximum extent practicable—

''(1) rely on technical and merit reviews provided by regional, State, or local weed management experts; and

''(2) give priority to projects that maximize the involvement of State, local and, where applicable, Indian Tribe governments.

''(h) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to States with approved weed management entities established by Indian Tribes and may provide an additional allocation to a State to meet the particular needs and projects that the weed management entity plans to address.

"SEC. 455. AGREEMENTS.

''(a) CONSULTATION AND CONSENT.—In carrying out an agreement under this section, the Secretary shall—

''(1) if the activities funded under the agreement will take place on Federal land, consult with the heads of the Federal agencies having jurisdiction over the land; or

''(2) obtain the written consent of the non-Federal landowner.

''(b) APPLICATION OF OTHER LAWS.—The Secretary may enter into agreements under this section with weed management entities notwithstanding sections 6301 through 6309 of title 31, United States Code, and other laws relating to the procurement of goods and services for the Federal Government.

''(c) ELIGIBLE ACTIVITIES.—Activities carried out under an agreement under this section may include the following:

''(1) Education, inventories and mapping, management, monitoring, methods development, and other capacity building activities, including the payment of the cost of personnel and equipment that promote control or eradication of noxious weeds.

''(2) Other activities to control or eradicate noxious weeds.

''(d) SELECTION OF ACTIVITIES.—Activities funded under this section shall be selected by the Secretary taking into consideration the following:

''(1) The severity of the noxious weeds problem or potential problem addressed by the activities.

''(2) The likelihood that the activity will prevent or resolve the problem, or increase knowledge about resolving similar problems.

''(3) The extent to which the activity will provide a comprehensive approach to the control or eradication of noxious weeds.

''(4) The extent to which the program will improve the overall capacity of the United States to address noxious weed control and management.

''(5) The extent to which the project promotes cooperation and participation between States that have common interests in controlling and eradicating noxious weeds.

''(6) Other factors that the Secretary determines to be relevant.

''(e) REGIONAL, STATE, AND LOCAL INVOLVEMENT.—In determining which activities receive funding under this section, the Secretary shall, to the maximum extent practicable—

''(1) rely on technical and merit reviews provided by regional, State, or local weed management experts; and

''(2) give priority to activities that maximize the involvement of State, local, and, where applicable, representatives of Indian Tribe governments.

''(f) RAPID RESPONSE PROGRAM.—At the request of the Governor of a State, the Secretary may enter into a cooperative agreement with a weed management entity in that State to enable rapid response to outbreaks of noxious weeds at a stage which rapid eradication and control is possible and to ensure eradication or immediate control of the noxious weeds if—

''(1) there is a demonstrated need for the assistance;

''(2) the noxious weed is considered to be a significant threat to native fish, wildlife, or their habitats, as determined by the Secretary;

''(3) the economic impact of delaying action is considered by the Secretary to be substantial; and

''(4) the proposed response to such threat—

''(A) is technically feasible;

''(B) economically responsible; and

''(C) minimizes adverse impacts to the structure and function of an ecosystem and adverse effects on nontarget species and ecosystems.

''SEC. 456. RELATIONSHIP TO OTHER PROGRAMS.

''Funds under this Act (other than those made available for section 455(f)) are intended to supplement, not replace, assistance available to weed management entities, areas, and districts for control or eradication of noxious weeds on Federal lands and non-Federal lands. The provision of funds to a weed management entity under this Act (other than those made available for section 455(f)) shall have no effect on the amount of any payment received by a county from the Federal Government under chapter 69 of title 31, United States Code.

''SEC. 457. AUTHORIZATION OF APPROPRIATIONS.

''(a) GRANTS.—To carry out section 454, there are authorized to be appropriated to the Secretary $7,500,000 for each of fiscal years 2005 through 2009, of which not more than 5 percent of the funds made available for a fiscal year may be used by the Secretary for administrative costs.

''(b) AGREEMENTS.—To carry out section 455 of this subtitle, there are authorized to be appropriated to the Secretary $7,500,000 for each of fiscal years 2005 through 2009, of which not more than 5 percent of the funds made available for a fiscal year may be used by the Secretary for administrative costs of Federal agencies.''.

SEC. 2. TECHNICAL AMENDMENT.

The table of sections in section 1(b) of the Agricultural Risk Protection Act of 2000 is amended by inserting after the item relating to section 442 the following:

''Subtitle E—Noxious Weed Control and Eradication

''Sec. 451. Short title.
''Sec. 452. Definitions.
''Sec. 453. Establishment of program.
''Sec. 454. Grants to weed management entities.
''Sec. 455. Agreements.
''Sec. 456. Relationship to other programs.
''Sec. 457. Authorization of Appropriations.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Senate 144, introduced by Senator LARRY CRAIG of Idaho and passed by the Senate on March 4, 2003, would establish a program providing assistance through States to eligible weed management entities for the control of noxious weeds on public and private land. In simple terms, S. 144 would amend the Plant Protection Act authorizing the Secretary of Agriculture to fund specific weed control or eradication projects on a competitive basis. The bill also serves to bolster the presence of weed management entities, which exist today in most western States but lack the funding for meaningful control of noxious weeds.

Weed management entities are comprised of community members and local landowners affected by this problem, as well as representatives of the State or Federal Government. Where established, they have proven to be vital in controlling noxious weeds.

Senate 144 aims to deal with the growing threat of noxious weeds in an inclusive manner, across government agencies, and on private lands. It is important to note that due to cost concerns, the authorization of appropriations has been reduced to $15 million per year rather than $100 million per year. Additionally, administrative costs of Federal agencies are limited to 5 percent, ensuring the money gets to the ground where it is needed.

The bill, as amended, is supported by the majority and minority of the Committee on Resources as well as the Committee on Agriculture.

I would like to thank Chairman GOODLATTE and the Agriculture Committee staff for their willingness to work on and approve this important piece of legislation. I urge the adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, across our Nation people are grasping for solutions to better control and mitigate the significant adverse economic and environmental costs associated with invasive plants, animals and insects. The pending measure is the final product of a dialogue initiated by Senators LARRY CRAIG and TOM DASCHLE which began 4 years ago.

Noxious weeds remain a substantial threat to western rangelands. This legislation will provide needed financial and technical support for local weed management programs, particularly in western States, including South Dakota and Idaho.

While I commend the sponsors of this bill for working so diligently on it, the gentleman from West Virginia (Mr. RAHALL), ranking member the Committee on Resources, and I also hope that in the next Congress we might move forward with more comprehensive invasive species legislation to address the ecological challenge of harmful nonnative species on a broader level.

Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I urge the adoption of the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 144, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: ''An Act to require the Secretary of Agriculture to establish a program to provide assistance to eligible weed management entities to control or eradicate noxious weeds on public and private land.''.

A motion to reconsider was laid on the table.

TRANSFERRING FEDERAL LANDS BETWEEN SECRETARY OF AGRICULTURE AND SECRETARY OF INTERIOR

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1814) to transfer Federal lands between the Secretary of Agriculture and the Secretary of the Interior.

The Clerk read as follows:

S. 1814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSES AND DEFINITIONS.

(a) PURPOSES.—The purposes of this Act are—

(1) to transfer administrative jurisdiction of certain Federal lands in Missouri from the Secretary of the Interior to the Secretary of Agriculture for continued Federal operation of the Mingo Job Corps Civilian Conservation Center; and

(2) to not change the Secretary of Labor's role or authority regarding this Job Corps Center.

(b) DEFINITIONS.—For the purposes of this Act—

(1) ''Center'' means the Mingo Job Corps Civilian Conservation Center in Stoddard

County, Missouri, referenced in section 2(a) of this Act;

(2) ''eligible employee'' means a person who, as of the date of enactment of this Act, is a full-time, part-time, or intermittent annual or per hour permanent Federal Government employee of the Fish and Wildlife Service at the Mingo Job Corps Civilian Conservation Center, including the two fully funded Washington Office Job Corps support staff;

(3) ''Environmental Authorities'' mean all applicable Federal, State and local laws (including regulations) and requirements related to protection of human health, natural resources, or the environment, including but not limited to: the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601, et seq.); the Solid Waste Disposal Act (42 U.S.C. 6901, et seq.); the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.); the Clean Air Act (42 U.S.C. 7401, et seq.); the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136, et seq.); the Toxic Substances Control Act (15 U.S.C. 2601, et seq.); the Safe Drinking Water Act (42 U.S.C. 300f, et seq.); and the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.);

(4) ''U.S. Fish and Wildlife Service'' means the United States Fish and Wildlife Service as referenced at title 16, United States Code, section 742b(b);

(5) ''Forest Service'' means the Department of Agriculture Forest Service as established by the Secretary of Agriculture pursuant to the authority of title 16, United States Code, section 551;

(6) ''Job Corps'' means the national Job Corps program established within the Department of Labor, as set forth in the Workforce Investment Act of 1998, Public Law No. 105–220, §§141–161, 112 Stat. 1006–1021 (1998) (codified at 29 U.S.C. 2881–2901);

(7) ''National Forest System'' means that term as defined at title 16, United States Code, section 1609(a); and

(8) ''National Wildlife Refuge System'' means that term as defined at title 16, United States Code, section 668dd.

SEC. 2. TRANSFER OF ADMINISTRATION.

(a) TRANSFER OF CENTER.—Administrative jurisdiction over the Mingo Job Corps Civilian Conservation Center, comprising approximately 87 acres in Stoddard County, Missouri, as generally depicted on a map entitled ''Mingo National Wildlife Refuge'', dated September 17, 2002, to be precisely identified in accordance with subsection (c) of this section, is hereby transferred, without consideration, from the Secretary of the Interior to the Secretary of Agriculture.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) The map referenced in this section shall be on file and available for public inspection in the Office of the Chief, Forest Service, Washington, DC, and in the office of the Chief of Realty, U.S. Fish and Wildlife Service, Arlington, Virginia.

(2) Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall file a legal description and map of all of the lands comprising the Center and being transferred by section 2(a) of this Act with the Committee on Resources of the United States House of Representatives and the Committee on Environment and Public Works of the United States Senate, and such description and map shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may make typographical corrections as necessary.

(c) APPLICABLE LAWS.—

(1) Subject to section 3, the Center transferred pursuant to subsection (a) shall be administered by the Secretary of Agriculture and shall be subject to the laws and regulations applicable to the National Forest System.

(2) This transfer shall not conflict or interfere with any laws and regulations applicable to Job Corps.

SEC. 3. IMPLEMENTATION OF TRANSFER.

(a) REVERSION REQUIREMENT.—

(1) In the event that the Center is no longer used or administered for Job Corps purposes, as concurred to by the Secretary of Labor, the Secretary of Agriculture shall so notify the Secretary of the Interior, and the Secretary of the Interior shall have 180 days from the date of such notice to exercise discretion to reassume jurisdiction over such lands.

(2) The reversionary provisions of subsection (a) shall be effected, without further action by the Congress, through a Letter of Transfer executed by the Chief, Forest Service, and the Director, United States Fish and Wildlife Service, and with notice thereof published in the Federal Register within 60 days of the date of the Letter of Transfer.

(b) AUTHORIZATIONS.—

(1) IN GENERAL.—A permit or other authorization granted by the U.S. Fish and Wildlife Service on the Center that is in effect on the date of enactment of this Act will continue with the concurrence of the Forest Service.

(2) REISSUANCE.—A permit or authorization described in paragraph (1) may be reissued or terminated under terms and conditions prescribed by the Forest Service.

(3) EXERCISE OF RIGHTS.—The Forest Service may exercise any of the rights of the U.S. Fish and Wildlife Service contained in any permit or other authorization, including any right to amend, modify, and revoke the permit or authorization.

(c) CONTRACTS.—

(1) EXISTING CONTRACTS.—The Forest Service is authorized to undertake all rights and obligations of the U.S. Fish and Wildlife Service under contracts entered into by the U.S. Fish and Wildlife Service on the Center that is in effect on the date of enactment of this Act.

(2) NOTICE OF NOVATION.—The Forest Service shall promptly notify all contractors that it is assuming the obligations of the U.S. Fish and Wildlife Service under such contracts.

(3) DISPUTES.—Any contract disputes under the Contracts Disputes Act (41 U.S.C. 601, et seq.) regarding the administration of the Center and arising prior to the date of enactment of this Act shall be the responsibility of the U.S. Fish and Wildlife Service.

(d) MEMORANDUM OF AGREEMENT.—

(1) IN GENERAL.—The Chief, Forest Service, and the Director, U.S. Fish and Wildlife Service, are authorized to enter into a memorandum of agreement concerning implementation of this Act, including procedures for—

(A) the orderly transfer of employees of the U.S. Fish and Wildlife Service to the Forest Service;

(B) the transfer of property, fixtures, and facilities;

(C) the transfer of records;

(D) the maintenance and use of roads and trails; and

(E) other transfer issues.

(e) AGREEMENTS WITH THE SECRETARY OF LABOR.—In the operation of the Center, the Forest Service will undertake the rights and obligations of the U.S. Fish and Wildlife Service with respect to existing agreements with the Secretary of Labor pursuant to Public Law 105–220 (29 U.S.C. 2887, et seq.), and the Forest Service will be the responsible agency for any subsequent agreements or amendments to existing agreements.

(f) RECORDS.—

(1) AREA MANAGEMENT RECORDS.—The Forest Service shall have access to all records of the U.S. Fish and Wildlife Service pertaining to the management of the Center.

(2) PERSONNEL RECORDS.—The personnel records of eligible employees transferred pursuant to this Act, including the Official Personnel Folder, Employee Performance File, and other related files, shall be transferred to the Forest Service.

(3) LAND TITLE RECORDS.—The U.S. Fish and Wildlife Service shall provide to the Forest Service records pertaining to land titles, surveys, and other records pertaining to transferred real property and facilities.

(g) TRANSFER OF PERSONAL PROPERTY.—

(1) IN GENERAL.—All federally owned personal property present at the Center is hereby transferred without consideration to the jurisdiction of the Forest Service, except that with regard to personal property acquired by the Fish and Wildlife Service using funds provided by the Department of Labor under the Job Corps program, the Forest Service shall dispose of any such property in accordance with the procedures stated in section 7(e) of the 1989 Interagency Agreement for Administration of Job Corps Civilian Conservation Center Program, as amended, between the Department of Labor and the Department of the Interior.

(2) INVENTORY.—Not later than 60 days after the date of enactment of this Act, the U.S. Fish and Wildlife Service shall provide the Forest Service with an inventory of all property and facilities at the Center.

(3) PROPERTY INCLUDED.—Property under this subsection includes, but is not limited to, buildings, office furniture and supplies, computers, office equipment, vehicles, tools, equipment, maintenance supplies, and publications.

(4) EXCLUSION OF PROPERTY.—At the request of the authorized representative of the U.S. Fish and Wildlife Service, the Forest Service may exclude movable property from transfer based on a showing by the U.S. Fish and Wildlife Service that the property is needed for the mission of the U.S. Fish and Wildlife Service, cannot be replaced in a cost-effective manner, and is not needed for management of the Center.

SEC. 4. COMPLIANCE WITH ENVIRONMENTAL AUTHORITIES.

(a) DOCUMENTATION OF EXISTING CONDITIONS.—

(1) IN GENERAL.—Within 60 days after the date of enactment of this Act, the U.S. Fish and Wildlife Service shall provide the Forest Service and the Office of Job Corps, Employment and Training Administration, Department of Labor, all reasonably ascertainable documentation and information that exists on the environmental condition of the land comprising the Center.

(2) ADDITIONAL DOCUMENTATION.—The U.S. Fish and Wildlife Service shall provide the Forest Service and the Office of Job Corps, Employment and Training Administration, Department of Labor, with any additional documentation and information regarding the environmental condition of the Center as such documentation and information becomes available.

(b) ACTIONS REQUIRED.—

(1) ASSESSMENT.—Within 120 days after the date of enactment of this Act, the U.S. Fish and Wildlife Service shall provide the Forest Service and the Office of Job Corps, Employment and Training Administration, Department of Labor, an assessment, consistent with ASTM Standard E1527, indicating what action, if any, is required on the Center under any Environmental Authorities.

(2) MEMORANDUM OF AGREEMENT.—If the findings of the environmental assessment indicate that action is required under applicable Environmental Authorities with respect to any portion of the Center, the Forest Service and the U.S. Fish and Wildlife Service shall enter into a memorandum of agreement that—

(A) provides for the performance by the U.S. Fish and Wildlife Service of the required actions identified in the environmental assessment; and

(B) includes a schedule for the timely completion of the required actions to be taken as agreed to by U.S. Fish and Wildlife Service and Forest Service.

(c) DOCUMENTATION OF ACTIONS.—After a mutually agreeable amount of time following completion of the environmental assessment, but not exceeding 180 days from such completion, the U.S. Fish and Wildlife Service shall provide the Forest Service and the Office of Job Corps, Employment and Training Administration, Department of Labor, with documentation demonstrating that all actions required under applicable Environmental Authorities have been taken that are necessary to protect human health and the environment with respect to any hazardous substance, pollutant, contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product on the Center.

(d) CONTINUATION OF RESPONSIBILITIES AND LIABILITIES.—

(1) IN GENERAL.—The transfer of the Center and the requirements of this section shall not in any way affect the responsibilities and liabilities of the U.S. Fish and Wildlife Service at the Center under any applicable Environmental Authorities.

(2) ACCESS.—At all times after the date of enactment of this Act, the U.S. Fish and Wildlife Service and its agents shall be accorded any access to the Center that may be reasonably required to carry out the responsibility or satisfy the liability referred to in paragraph (1).

(3) NO LIABILITY.—The Forest Service shall not be liable under any applicable Environmental Authorities for matters that are related directly or indirectly to activities of the U.S. Fish and Wildlife Service or the Department of Labor on the Center occurring on or before the date of enactment of this Act, including liability for—

(A) costs or performance of response actions required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601, et seq.) at or related to the Center; or

(B) costs, penalties, fines, or performance of actions related to noncompliance with applicable Environmental Authorities at or related to the Center or related to the presence, release, or threat of release of any hazardous substance, pollutant, or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product of any kind at or related to the Center, including contamination resulting from migration.

(4) NO EFFECT ON RESPONSIBILITIES OR LIABILITIES.—Except as provided in paragraph (3), nothing in this title affects, modifies, amends, repeals, alters, limits or otherwise changes, directly or indirectly, the responsibilities or liabilities under applicable Environmental Authorities with respect to the Forest Service after the date of enactment of this Act.

(e) OTHER FEDERAL AGENCIES.—Subject to the other provisions of this section, a Federal agency that carried or carries out operations at the Center resulting in the violation of an environmental authority shall be responsible for all costs associated with corrective actions and subsequent remediation.

SEC. 5. PERSONNEL.

(a) IN GENERAL.—

(1) EMPLOYMENT.—Notwithstanding section 3503 of title 5, United States Code, the Forest Service will accept the transfer of eligible employees at their current pay and grade levels to administer the Center as of the date of enactment of this Act.

(b) TRANSFER-APPOINTMENT IN THE FOREST SERVICE.—Eligible employees will transfer, without a break in Federal service and without competition, from the Department of the Interior, U.S. Fish and Wildlife Service, to the Department of Agriculture, Forest Service, upon an agreed date by both agencies.

(c) EMPLOYEE BENEFIT TRANSITION.—Employees of the U.S. Fish and Wildlife Service who transfer to the Forest Service—

(1) shall retain all benefits and/or eligibility for benefits of Federal employment without interruption in coverage or reduction in coverage, including those pertaining to any retirement, Thrift Savings Plan (TSP), Federal Employee Health Benefit (FEHB), Federal Employee Group Life Insurance (FEGLI), leave, or other employee benefits;

(2) shall retain their existing status with respect to the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS);

(3) shall be entitled to carry over any leave time accumulated during their Federal Government employment;

(4) shall retain their existing level of competitive employment status and tenure; and

(5) shall retain their existing GM, GS, or WG grade level and pay.

SEC. 6. IMPLEMENTATION COSTS AND APPROPRIATIONS.

(a) The U.S. Fish and Wildlife Service and the Forest Service will cover their own costs in implementing this Act.

(b) There is hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate 1814, introduced by Senator KIT BOND of Missouri, would transfer the management of the Mingo Job Corps Civilian Conservation Center from the Department of the Interior to the Department of Agriculture. This bill was overwhelmingly adopted by the other body, and it is identical to H.R. 3433 as proposed by our distinguished colleague from Missouri (Mrs. EMERSON).

This center is located within the boundaries of the Mingo National Wildlife Refuge and it provides basic training and educational skills to hundreds of at-risk students between the ages of 16 and 24. These students can learn a variety of trades including automotive repair, bricklaying, carpentry, welding and culinary arts. In addition, they obtain critical experience, socialization skills and the confidence they will need to be successful in the workplace.

The U.S. Forest Service operates 18 Job Corps Centers throughout the United States, and they have signed a memorandum of understanding with the U.S. Fish and Wildlife Service which transfers to them responsibility for the operation of this center. This legislation is necessary because the National Wildlife Refuge Administration Act stipulates that the transfer cannot occur administratively. Both agencies strongly support this realignment.

This is a good bill. The Job Corps Center is important to the economy of southeast Missouri, and it will ensure a bright future for hundreds of young men and women. I compliment the sponsors of this measure and urge an ''aye'' vote on Senate 1814.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, we have no objection to the consideration of this legislation. We believe it will not harm the integrity of the Mingo National Wildlife Refuge.

Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I urge the adoption of the measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 1814.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GIBBONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATING AMERICAN DENTAL ASSOCIATION FOR SPONSORING SECOND ANNUAL ''GIVE KIDS A SMILE'' PROGRAM

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 567) congratulating the American Dental Association for sponsoring the second annual ''Give Kids a Smile'' program which emphasizes the need to improve access to dental care for children, and thanking dentists for volunteering their time to help provided needed dental care.

The Clerk read as follows:

H. RES. 567

Whereas access to dental care for children is a vital element of overall health care and development;

Whereas dental caries—more commonly known as tooth decay—is the most common chronic childhood disease;

Whereas untreated tooth decay in children results in thousands of children experiencing poor eating and sleeping patterns, suffering decreased attention spans at school, and being unable to smile;

Whereas due to a confluence of factors, children eligible for Medicaid and the State Children's Health Insurance Program are three to five times more likely than other children to experience and suffer from untreated tooth decay;

Whereas dentists provide an estimated $1.7 billion annually in non-reimbursed dental care;

Whereas the participation of dentists in the second annual ''Give Kids a Smile'' program, established and sponsored by the American Dental Association and held this year on February 6, 2004, serves to remind people in the United States about the need to end untreated childhood dental disease;

Whereas the generous support of numerous corporations, such as Crest Healthy Smiles 2010, Sullivan-Schein Dental, DEXIS Digital X-ray Systems, and Ivoclar Vivadent Inc., helped make this year's ''Give Kids a Smile'' program a success; and

Whereas more than 37,000 volunteers, including more than 15,000 dentists, provided free education, screening, and care services to an estimated one million children at more than 2,500 sites in all 50 States and the District of Columbia during this year's ''Give Kids a Smile'' program: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the American Dental Association for establishing and continuing its sponsorship of the ''Give Kids a Smile'' program;

(2) emphasizes the need to improve access to dental care for children;

(3) thanks the thousands of dentists, dental hygienists, dental assistants, and others who volunteered their time to bring a smile to the faces of an estimated one million children as part of the ''Give Kids a Smile'' program; and

(4) thanks Crest Healthy Smiles 2010, Sullivan-Schein Dental, DEXIS Digital X-ray Systems, and Ivoclar Vivadent Inc. for their generous support which helped make this year's ''Give Kids a Smile'' program a success.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 567, introduced by the distinguished gentleman from Virginia (Mr. CANTOR). The resolution congratulates the American Dental Association for establishing the ''Give Kids a Smile'' program and thanks the thousands of dentists who volunteered their time to treat an estimated 1 million children on February 21 of last year, 2003.

Giving children access to dental care is crucial. Dental decay is one of the most common chronic infectious diseases among U.S. children. This preventable health problem begins early, and among low-income children, almost 50 percent of tooth decay remains untreated and may result in pain, dysfunction, underweight and poor appearance, problems that can greatly reduce a child's capacity to succeed in the educational environment.

The ''Give Kids a Smile'' program provides a much-needed service to our community by emphasizing the need to improve access to dental care for children. The program began in 2002 by a group of dentists in the Greater St. Louis Dental Society. Since then the program has grown, and in 2004 events took place at approximately 2,500 locations across the Nation, with about 36,000 dental team volunteers, including over 14,000 dentists, to provide free services to underserved children. The ADA has been crucial in implementing and expanding this program, and they deserve to be commended for their efforts.

Mr. Speaker, I urge my colleagues to support this piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of this resolution which congratulates the American Dental Association for sponsoring the ''Give Kids a Smile'' program.

I want to say that the participation of dentists in the second annual ''Give Kids a Smile'' program, which was established and sponsored by them, the American Dental Association, and held this year on February 6, 2004, serves as a reminder to people in the United States about the need to end untreated childhood dental disease and, in doing so, also prevent adult dental disease.

This activity was participated in by more than 37,000 volunteers, including more than 15,000 dentists who provided free education, screening and care services to an estimated 1 million children. We want to thank the American Dental Association for doing this and thank the National Dental Association for their support.

This bill was favorably reported by the Committee on Energy and Commerce last week by a voice vote.

Mr. BURTON of Indiana. Mr. Speaker, while I support the goals of the ''Give Kids a Smile'' program, and I commend the American Dental Association for establishing and continuing its sponsorship of the ''Give Kids a Smile'' program, and thank the thousands of dentists, dental hygienists, dental assistants, and others who volunteered their time to this program, I remain deeply concerned about the dental profession's continued reliance on mercury-containing dental amalgams.

The amalgam fillings the American Dental Association so wrongly calls ''silver'' are mainly mercury, not silver at all. Mercury is the single largest ingredient in each filling, representing about 45 to 50 percent of the mercury by weight, or about one-half a gram per filling. That is a colossal amount of mercury in scientific terms—as much as is in an old fashioned thermometer. For example, a young child with six amalgam fillings has the equivalent of six mercury thermometers worth of mercury in their mouth.

No one has ever identified a positive health benefit to mercury in the human body. Thus, it was sound public health policy to eliminate mercury from thermometers, blood pressure gauges, light switches, cosmetics, teething powder, horse liniment, hat-making materials, smokestack emission, and mining operations. In fact, virtually ever industry has either reduced or banned the use of mercury, with the exception of dentistry.

I have repeatedly called upon the dental establishment to ban the use of this highly toxic substance but regrettably, the dental establishment continues to hold to the scientific fiction that a material that is hazardous before it goes into the mouth, and hazardous after it comes back out of the mouth, is somehow perfectly safe while contained in the mouth, and they have repeatedly attempted to block every effort to ban mercury-amalgams.

According to the resolution, one of the underlying reasons behind the ''Give Kids a Smile'' program is that access to dental care for children is a vital element of overall health care and development. Yet, the developing neurological systems of fetuses and young children are especially susceptible to damage by even the slightest trace amounts of mercury. And an increasing body of scientific evidence points to mercury toxicity as a source of neurological problems including, but not limited to, modest declines in intelligence quotient (IQ), tremors, attention deficit disorder (ADD), attention deficit hyperactivity disorder (ADHD), Alzheimer's disease and autism.

I hope that one day soon, the American Dental Association will truly live up to the promise and intent of the ''Give Kids a Smile'' program and stop using mercury-based amalgam fillings for good.

Mr. CANTOR. Mr. Speaker, I rise today to recognize the Nation's dentists who provide free oral health care services to thousands of low-income children across the country. One day each year dentists take time out of their busy schedules and away from their practices to provide important dental care to children who do not have access to that kind of care.

I have seen first-hand the tremendous generosity of dentists and the excitement of the children when Give Kids A Smile day came to Richmond, VA. A local museum was turned into a full-service dentists' office, with children being provided much-needed dental work. The children were excited, and I think the dentists and dental hygienists got an ever bigger kick out of it.

Mr. Speaker, I am pleased that this resolution has come to the floor today, as over

40,000 members of the American Dental Association are together this week at their annual session. I know they must take pride in their generosity and knowing that they have provided so many children with access to important dental care that they otherwise would not receive. I am pleased that Give Kids A Smile day will keep kids smiling.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the resolution, H. Res. 567.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SOUTHERN UTE AND COLORADO INTERGOVERNMENTAL AGREEMENT IMPLEMENTATION ACT OF 2003

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 551) to provide for the implementation of air quality programs developed in accordance with an Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, and for other purposes.

The Clerk read as follows:

S. 551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Southern Ute and Colorado Intergovernmental Agreement Implementation Act of 2003''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress, after review and in recognition of the purposes and uniqueness of the Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado, finds that—

(1) the Intergovernmental Agreement is consistent with the special legal relationship between Federal Government and the Tribe; and

(2) air quality programs developed in accordance with the Intergovernmental Agreement and submitted by the Tribe for approval by the Administrator may be implemented in a manner that is consistent with the Clean Air Act (42 U.S.C. 7401 et seq.).

(b) PURPOSE.—The purpose of this Act is to provide for the implementation and enforcement of air quality control programs under the Clean Air Act (42 U.S.C. 7401 et seq.) and other air quality programs developed in accordance with the Intergovernmental Agreement that provide for—

(1) the regulation of air quality within the exterior boundaries of the Reservation; and

(2) the establishment of a Southern Ute Indian Tribe/State of Colorado Environmental Commission.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COMMISSION.—The term ''Commission'' means the Southern Ute Indian Tribe/State of Colorado Environmental Commission established by the State and the Tribe in accordance with the Intergovernmental Agreement.

(3) INTERGOVERNMENTAL AGREEMENT.—The term ''Intergovernmental Agreement'' means the agreement entered into by the Tribe and the State on December 13, 1999.

(4) RESERVATION.—The term ''Reservation'' means the Southern Ute Indian Reservation.

(5) STATE.—The term ''State'' means the State of Colorado.

(6) TRIBE.—The term ''Tribe'' means the Southern Ute Indian Tribe.

SEC. 4. TRIBAL AUTHORITY.

(a) AIR PROGRAM APPLICATIONS.—

(1) IN GENERAL.—The Administrator is authorized to treat the Tribe as a State for the purpose of any air program applications submitted to the Administrator by the Tribe under section 301(d) of the Clean Air Act (42 U.S.C. 7601(d)) to carry out, in a manner consistent with the Clean Air Act (42 U.S.C. 7401 et seq.), the Intergovernmental Agreement.

(2) APPLICABILITY.—If the Administrator approves an air program application of the Tribe, the approved program shall be applicable to all air resources within the exterior boundaries of the Reservation.

(b) TERMINATION.—If the Tribe or the State terminates the Intergovernmental Agreement, the Administrator shall promptly take appropriate administrative action to withdraw treatment of the Tribe as a State for the purpose described in subsection (a)(1).

SEC. 5. CIVIL ENFORCEMENT.

(a) IN GENERAL.—If any person fails to comply with a final civil order of the Tribe or the Commission made in accordance with the Clean Air Act (42 U.S.C. 7401 et seq.) or any other air quality program established under the Intergovernmental Agreement, the Tribe or the Commission, as appropriate, may bring a civil action for declaratory or injunctive relief, or for other orders in aid of enforcement, in the United States District Court for the District of Colorado.

(b) NO EFFECT ON RIGHTS OR AUTHORITY.—Nothing in this Act alters, amends, or modifies any right or authority of any person (as defined in section 302(e) of the Clean Air Act (42 U.S.C. 7601(e)) to bring a civil action under section 304 of the Clean Air Act (42 U.S.C. 7603).

SEC. 6. JUDICIAL REVIEW.

Any decision by the Commission that would be subject to appellate review if it were made by the Administrator—

(1) shall be subject to appellate review by the United States Court of Appeals for the Tenth Circuit; and

(2) may be reviewed by the Court of Appeals applying the same standard that would be applicable to a decision of the Administrator.

SEC. 7. DISCLAIMER.

Nothing in this Act—

(1) modifies any provision of—

(A) the Clean Air Act (42 U.S.C. 7401 et seq.);

(B) Public Law 98–290 (25 U.S.C. 668 note); or

(C) any lawful administrative rule promulgated in accordance with those statutes; or

(2) affects or influences in any manner any past or prospective judicial interpretation or application of those statutes by the United States, the Tribe, the State, or any Federal, tribal, or State court.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

The bill we are considering today, S. 551, the Southern Ute and Colorado Intergovernmental Agreement Implementation Act of 2003, provides the congressional authorization necessary to allow the Southern Ute Indian tribe and the State of Colorado to implement an important agreement to protect air quality on the Southern Ute reservation in Colorado.

□ 1515

This Intergovernmental Agreement enjoys broad local and regional support. In addition, this bill authorizes the U.S. Environmental Protection Agency to recognize the Southern Ute Tribe as a State for purposes of administration of the Clean Air Act on the tribe's reservation and allows the tribe to enforce air quality programs within the borders of its reservation.

S. 551 also provides a process for the tribe and the Southern Ute/State of Colorado Environmental Commission, created by the Intergovernmental Agreement, to enforce their orders under an approved air quality program.

Mr. Speaker, I urge all Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 551, the Southern Ute and Colorado Intergovernmental Agreement Implementation Act of 2003. This legislation is necessary to allow the Southern Ute Indian Tribe to be treated as a state for purposes of administering the Clean Air Act on the Southern Ute Indian Reservation in southwestern Colorado.

Under this bill, both Indian and non-Indian areas within the Reservation can be regulated by a single entity, a joint State/Tribal Commission, composed of three members from the tribe and three members from the State. This makes good common sense and will allow the State and the tribe to properly implement the Clean Air Act.

S. 551 will not alter anyone's duty to comply with the Act nor would it alter any rights of any citizen to bring an action to enforce the Clean Air Act. S. 551 will implement the Intergovernmental Agreement that was negotiated

between the State and the tribe. I understand that the Attorney General of Colorado, Ken Salazar, has been a key negotiator in negotiating this agreement. Without his work, it would not have happened. The State of Colorado, the tribe, and the Attorney General's Office are to be commended for this effort. I urge my colleagues to support Senate 551.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the Senate bill, S. 551.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 18 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1617

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 4 o'clock and 17 minutes p.m.

CLARIFICATION OF TREATMENT OF SUPPLEMENTAL APPROPRIATIONS IN CALCULATING RATE FOR OPERATIONS FOR CONTINUING APPROPRIATIONS

Mr. YOUNG of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5202) to clarify the treatment of supplemental appropriations in calculating the rate for operations applicable for continuing appropriations for fiscal year 2005.

The Clerk read as follows:

H.R. 5202

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF TREATMENT OF SUPPLEMENTAL APPROPRIATIONS IN CALCULATING RATE FOR OPERATIONS.

For purposes of the application of section 103 of Public Law 108–309, supplemental appropriations shall be included in the calculation of the rate for operations only in accordance with the attachments to Office of Management and Budget Bulletin No. 04–05 entitled ''Apportionment of the Continuing Resolution(s) for Fiscal Year 2005''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5202.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, the legislation before the House, H.R. 5202, is to assist the Members of the House in understanding scoring relevant to the continuing resolution that we passed last week.

As my colleagues know, the current CR expires on November 20, 2004. As I explained last week, the CR continues all ongoing activities at current rates, including supplemental funding, under the same terms and conditions as fiscal year 2004. As in past CRs, it does not allow new starts, and it restricts obligations on high initial spend-out programs. So the annualized funding levels in this bill will not impinge on our final budget deliberations.

As a courtesy to those in this body who do not understand how OMB determines the rate of operations, I have been asked to put this bill on the floor today to clarify that the term ''rate for operations'' for 2004 supplementals will be apportioned pursuant to OMB Bulletin Number 04–05.

So, in reality, this bill does not change anything. However, some believe it is needed to clarify for CBO the amount of money the executive branch intends to spend during the period of the CR.

The deficit will not change by one dime as a result of this bill. How much money the government spends will not change by one dime as a result of this bill.

CBO's and the Committee on the Budget's job under the Budget Act is to provide an estimate of bills that are being considered and then are enacted into law. Let me emphasize the word estimate, which is based on a set of assumptions made at the time. Those estimates are sometimes good, and sometimes, they are off. An example where they were off was the Medicare bill.

But thankfully, these estimates do not become the actual balance in our checkbook. That is a real number, based on the checks actually issued by the U.S. Treasury. That is the real number that drives the surplus or deficit.

CBO scoring is only relevant to keep a scorecard on how Congress is doing relative to the budget assumptions. As we all know, during the year, we often wait for a revision by CBO of its scoring to determine the level of a deficit. This revision comes when CBO marries its numbers with the reality that is driven by actual spending.

So we are doing this bill today because some feel that we need to set the record straight. I believe the record is already straight and the OMB apportionment process will dictate the actual level of spending of the CR. By the way, under OMB's apportionment process, the CR will actually save $5 billion from the level that was allocated for fiscal year 2005 discretionary spending in the budget.

This savings is going to happen with or without this bill, but I urge that we pass the bill.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, September 30, 2004.

Bulletin No. 04–05

To the Heads of Executive Departments and Establishments.

Subject: Apportionment of the Continuing Resolution(s) for Fiscal Year 2005.

1. Purpose and Background. H.J. Res. 107 (continuing resolution) will provide continuing appropriations for the period October 1 through November 20, 2004. I am providing an automatic apportionment for amounts provided by this continuing resolution (CR) as specified in section 2. This Bulletin supplements instructions for apportionment of CRs in OMB Circular No. A–11, section 123, and applies to this CR and any extensions of this CR.

2. Automatic Apportionments. Calculate the amount automatically apportioned through the period ending November 20th (and any extensions of that period) by multiplying the rate (amount) provided by the CR by the lower of: the percentage of the year covered by the CR (e.g., for H.J. Res. 107 use 13.97 percent), or the historical seasonal rate of obligations for the period of the year covered by the CR.

See Attachments A and B to this Bulletin for more detailed instructions on calculating the amount provided by the CR and the amount automatically apportioned. Sec. 111 of the CR requires that the resolution be implemented so that only the most limited funding action permitted in the CR is taken. The Administration has interpreted this section to mandate that agencies in general spend at a minimum level, so as not to infringe upon the prerogative of Congress to set full-year funding levels. Funding apportioned under the CR excludes one-time, non-recurring projects and activities that were funded in FY 2004, which includes most projects and activities funded by FY 2004 supplemental appropriations. The only FY 2004 supplemental projects and activities that may be factored into the ''not to exceed current rate'' can be found in Attachment B.

Under an automatic apportionment, all of the footnotes and conditions placed on the prior year apportionment remain in effect.

H.J. Res. 107 expires at midnight on Saturday, November 20, 2004.

3. Written Apportionments. If a program requires an amount different from the total amount automatically apportioned, you must request a written apportionment from OMB. Once a written apportionment is approved, the terms and conditions of the automatic apportionment bulletin cease to apply.

JOSHUA B. BOLTEN,

Director.

Attachments.

ATTACHMENT A—CALCULATING THE AMOUNT MADE AVAILABLE BY THE CR AND THE AUTOMATIC APPORTIONMENT

Calculate the amount automatically apportioned (whole dollars) through the period

ending November 20, 2004, (and any extensions of that period) by multiplying the rate (amount) provided by the CR by the lower of: the percentage of the year covered by the CR (rounded to the nearest hundredth); (for a seven-week CR, use 51 days/365 days=13.97%); or the historical seasonal rate of obligations for the period of the year covered by the CR.

1. What is the rate (annualized, full-year amount) provided by the continuing resolution (CR)? The rate (full-year amount) provided by the CR for all accounts is the rate of operations not exceeding the current rate, calculated as follows:

Take the net amount enacted in FY 2004, i.e., add only the supplemental appropriations amounts listed in Attachment B of OMB Bulletin 04–05; subtract any rescissions (e.g., across-the-board reductions), and factor in transfers mandated by law;

Add the unobligated balance (including those for emergencies) carried forward to FY 2004 start-of-the-year (SOY), if any; and

Subtract the unobligated balance (including those for emergencies) at the end of FY 2004 end of year (EOY), if any.

2. Which estimates of FY 2004 (EOY) unobligated balances should agencies use in the calculation? Agencies are required to use current estimates of FY 2004 (EOY) unobligated balances. You can adjust the unobligated balances with the following conditions:

FY 2004 SOY unobligated balances: Use the amount shown on the most recent FY 2004 apportionment/reapportionment. This would be shown on line 2a (''Unobligated balance: brought forward, October 1 (actual)'') of the SF 132/letter apportionment.

FY 2004 EOY unobligated balances: Again, you must use the most recently approved apportionment. For the majority of the accounts, this should be the FY 2005 initial apportionment.

You may request OMB to apportion the revised estimates of unobligated balances, SOY FY 2005, and if apportioned by OMB, you may use the revised amounts to calculate the amount available under the CR.

3. How should mandatory appropriations and balances be treated? A continuing resolution is an appropriations bill. As such, it normally does not affect mandatory appropriations provided in substantive or authorizing legislation. Therefore, for accounts with a mix of discretionary and mandatory appropriations, take the mandatory component out before calculating the amount provided by the CR. This includes both the budget authority and unobligated balances.

4. What is the amount of the automatic apportionment under a CR? Multiple the rate (annualized, full-year amount) provided by the CR (see note 1) by:

The percentage of the year covered by the CR (rounded to the nearest hundredth);

The historical seasonal rate of obligations for the period of the year covered by the CR; or

The lower number will be the amount automatically apportioned.

5. Are entitlement and other mandatory payments whose budget authority was provided in Appropriations Acts for fiscal year 2004 continued at the FY 2004 level or FY 2005 program level?

Sec. 126 of H.J. Res. 107 allows entitlements and other mandatory payments whose BA was provided in Appropriations Acts for FY 2004 to continue at the ''rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2004, etc.'' In other words, these programs can operate at the FY 2005 level but the appropriated administrative expenses associated with these programs must be based on the FY 2004 levels.

ATTACHMENT B—FY 2004 SUPPLEMENTAL PROJECTS AND ACTIVITIES (RECURRING) TO BE INCLUDED IN DETERMINATION OF CURRENT RATE AMOUNTS PROVIDED BY THE CONTINUING RESOLUTION[1]

Agency/Account	*FY 2004 BA*
	[Millions of dollars]
Department of Energy:	
Other Defense Activities	3
Department of Homeland Security:	
U.S. Coast Guard	80
International Security Assistance:	
Economic Support Fund	672
Foreign Military Financing Program	287
Peacekeeping Operations	20
Non-Proliferation, Antiterrorism, Demining & Related Programs	35
Migration and Refugee Assistance	25
Department of Justice:	
FBI, Salaries and Expenses	15
Department of State:	
Contributions for International Peacekeeping	245
International Narcotics Control and Law Enforcement	170
United States Agency for International Development:	
International Disaster and Famine Assistance	70

[1]This list, compiled by OMB, excludes one-time, non-recurring projects and activities funded in FY 2004 Supplemental Appropriation Acts, including the FY 2004 Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan (P.L. 108–106), Title X of the FY 2005 Department of Defense Appropriations Act (P.L. 108–287), and the Emergency Supplemental Appropriations for Disaster Relief Act, 2004 (P.L. 108–303).

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I think, as the gentleman has so aptly indicated already, the best way that this bill can be described is to put it in the terms that the old Bowery Boys used to say in those B movies many years ago when we were both kids, when Leo Gorcey would say ''dis don't do nuthin' to nobody.'' That is exactly what this legislation does. It ''don't do nuthin' to nobody.''

It is here simply because, evidently, the folks who are on the Committee on the Budget do not, as the gentleman from Florida indicates, understand how the OMB goes about dealing with or enforcing and implementing the continuing resolutions which we pass. Somehow, it seems that the Committee on the Budget or perhaps only the chairman of the Committee on the Budget, I do not know, it seems that they feel that, without this language, OMB will go on a spending spree.

Well, the fact is that what this legislation says is that OMB cannot do something which OMB is already not planning to do. The interpretation that is always given to the continuing resolution by the Committee on Appropriations and by OMB is that the most conservative approach must be used for obligating funds under a CR. Notwithstanding that interpretation, the Committee on the Budget is having its version of a heart attack, suggesting that somehow the continuing resolution, which the gentleman brought to the floor last week, is going to result in runaway spending.

As the gentleman from Florida says, while it pretends to reign in OMB, this resolution will not result in one dime less being spent than would have been the case with the CR that passed the House last week.

I guess all I would say is that I find it interesting that 2 weeks before the end of the fiscal year, when this Congress has still not passed a single domestic appropriations bill, because the bills that were passed in this body have not been accepted by those in the other body, and at a time when we still do not have a transportation bill out of the authorizing committee, at a time when so many pieces of legislation are tied up between the House and the Senate, this House has been asked to waste a good amount of time on the budget process reform bill, which the Committee on the Budget insisted on bringing to the floor earlier in the year, which did a ''brilliant'' job of passing so-called budget reform legislation which guaranteed that Members could continue to do anything whatsoever that they wanted to do on the tax side of the ledger without having to take into account one iota what it did to the deficit. Now we are being asked to pass this meaningless piece of fluff.

It does not matter whether Members vote ''yes'' or ''no'' on this resolution. The result will be the same. So I guess if it makes the chairman of the Committee on the Budget happy, the House may as well go ahead and pass it, but do not deceive yourself into thinking that it does something for or to anybody. It does not.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I have no requests for time. I just urge a ''yes'' vote, and I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 5202.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 26 minutes p.m.), the House stood in recess until approximately 6:30 p.m. today.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BLACKBURN) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

Senate Concurrent Resolution 76, by the yeas and nays;

S. 1814, by the yeas and nays;

House Resolution 567, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remainder of the series will be 5-minute votes.

RECOGNIZING THAT NOVEMBER 2, 2003, SHALL BE DEDICATED TO ''A TRIBUTE TO SURVIVORS'' AT THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate concurrent resolution, S. Con. Res. 76.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 76, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 331, nays 0, not voting 101, as follows:

[Roll No. 487]

YEAS—331

Abercrombie
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herseth
Hinchey
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Napolitano
Neugebauer
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Oxley
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—101

Ackerman
Alexander
Becerra
Bishop (GA)
Bishop (UT)
Boehlert
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Buyer
Cannon
Capuano
Carson (OK)
Conyers
Cooper
Cummings
DeMint
Dicks
Doggett
Duncan
Fattah
Forbes
Frost
Gallegly
Gephardt
Gerlach
Gilchrest
Goode
Greenwood
Grijalva
Gutierrez
Hastings (FL)
Herger
Hill
Hinojosa
Hobson
Hoeffel
Houghton
Isakson
Jackson-Lee (TX)
John
Jones (OH)
Kennedy (RI)
Kilpatrick
Lampson
Lantos
Larsen (WA)
Lipinski
Lynch
Majette
Matsui
McCarthy (NY)
McGovern
Meek (FL)
Menendez
Millender-McDonald
Mollohan
Murtha
Myrick
Nadler
Neal (MA)
Nethercutt
Nunes
Ortiz
Owens
Pallone
Payne
Pelosi
Peterson (PA)
Pickering
Portman
Rangel
Reyes
Rodriguez
Royce
Ruppersberger
Rush
Sandlin
Scott (GA)
Shadegg
Shaw
Shays
Shimkus
Smith (MI)
Smith (TX)
Sullivan
Sweeney
Tauzin
Taylor (NC)
Terry
Toomey
Towns
Turner (OH)
Vitter
Wamp
Watson
Watt
Weldon (PA)
Young (AK)

□ 1854

Mr. ROHRABACHER changed his vote from ''nay'' to ''yea.''

So (two-thirds having voting in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 487, had I been present, I would have voted "yea."

TRANSFERRING FEDERAL LANDS BETWEEN SECRETARY OF AGRICULTURE AND SECRETARY OF INTERIOR

The SPEAKER pro tempore (Mrs. BLACKBURN). The pending business is the question of suspending the rules and passing the Senate bill, S. 1814.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 1814, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 333, nays 0, not voting 99, as follows:

[Roll No. 488]

YEAS—333

Abercrombie
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris

Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Murphy
Musgrave
Napolitano
Neugebauer
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Oxley
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—99

Ackerman
Alexander
Bartlett (MD)
Becerra
Berman
Bishop (UT)
Boehlert
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Buyer
Cannon
Capuano
Carson (OK)
Cooper
Cummings
DeMint
Dicks
Doggett
Dunn
Fattah
Forbes
Frost
Gallegly
Gephardt
Gerlach
Gilchrest
Goode
Green (TX)
Greenwood
Grijalva
Gutierrez
Hastings (FL)
Hill
Hobson
Hoeffel
Houghton
Isakson
Jackson-Lee (TX)
John
Jones (OH)
Kennedy (RI)
Kilpatrick
Lampson
Lantos
Larsen (WA)
Lipinski
Lynch
Majette
Matsui
McCarthy (NY)
McGovern
Meek (FL)
Menendez
Millender-McDonald
Mollohan
Moran (VA)
Murtha
Myrick
Nadler
Neal (MA)
Nethercutt
Nunes
Ortiz
Owens
Pallone
Payne
Pelosi
Peterson (PA)
Pickering
Portman
Reyes
Rodriguez
Ruppersberger
Rush
Sandlin
Saxton
Scott (GA)
Shadegg
Shaw
Shays
Shimkus
Smith (MI)
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Toomey
Towns
Turner (OH)
Vitter
Wamp
Watson
Watt
Weldon (PA)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left in the vote.

□ 1902

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING AMERICAN DENTAL ASSOCIATION FOR SPONSORING SECOND ANNUAL ''GIVE KIDS A SMILE'' PROGRAM

The SPEAKER pro tempore (Mrs. BLACKBURN). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 567.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the resolution, H. Res. 567, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yea 338, nays 0, not voting 94, as follows:

[Roll No. 489]

YEAS—338

Abercrombie
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
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Johnson (CT)
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Kolbe
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LaHood
Langevin
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCollum
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Otter
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Pascrell
Pastor
Paul
Pearce
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Peterson (MN)
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Pitts
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Putnam
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Rothman
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Sánchez, Linda T.
Sanchez, Loretta
Sanders
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Souder
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Stenholm
Strickland
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Tancredo
Tanner
Tauscher
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Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
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Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Waxman
Weiner
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Weller
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Wilson (NM)
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Wolf
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Alexander
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Bishop (UT)
Boehlert
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
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Buyer
Cannon
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Carson (OK)
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DeMint
Dicks
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Greenwood
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Hastings (FL)
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Hobson
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Houghton
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John
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Pelosi
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Portman
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Rodriguez

Ruppersberger	Smith (MI)	Vitter
Rush	Sweeney	Wamp
Sandlin	Tauzin	Watson
Scott (GA)	Taylor (NC)	Watt
Shadegg	Terry	Weldon (PA)
Shaw	Toomey	Young (AK)
Shays	Towns	
Shimkus	Turner (OH)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 5 minutes remain in this vote.

□ 1910

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent this evening from this chamber. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 487, 488, and 489.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, I was regrettably delayed in my return to Washington, DC and therefore unable to be on the House Floor for rollcall votes 487, 488, and 489. Had I been here I would have voted "aye" for rollcall vote 487, and "aye" for rollcall vote 488.

In addition, I would have somewhat reluctantly voted "aye" for rollcall vote 489.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 30, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House,
H232 Capitol, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on September 29, 2004 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

Sincerely,

DON YOUNG,
Chairman.

Enclosures.

RESOLUTION—DOCKET 2734, CUYAHOGA RIVER & TRIBUTARIES, SUMMIT COUNTY, OHIO

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army, is requested to review the report on the Cuyahoga River Published in June 1975 entitled, ''Second Interim Preliminary Feasibility Report on Cuyahoga River Flood Control Study,'' other pertinent reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of water quality, environmental restoration and protection, recreation, flood damage reduction and other related purposes within the Cities of Hudson, Munroe Falls, and Cuyahoga Falls, as well as Silver Lake Villager in Summit County, Ohio.

RESOLUTION—DOCKET 2735, GUAYANES RIVER, YABUCOA, PUERTO RICO

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested pursuant to Section 204 of the Flood Control Act of 1970, P.L. 91–611, to survey the Guayanes River in the Yabucoa Valley, Puerto Rico, in the interest of providing improvements for urban flood damage reduction and other related purposes.

RESOLUTION—DOCKET 2736, GLEN JEAN, WEST VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Ohio River and Tributaries, Pennsylvania, Ohio and West Virginia published as House Document No. 306, Seventy-fourth Congress, 1st Session, and other pertinent reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of flood damage reduction and related purposes in the community of Glen Jean, West Virginia and its vicinity.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

NORTH KOREAN HUMAN RIGHTS ACT OF 2004

Mr. LEACH. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4011) to promote human rights and freedom in the Democratic Republic of Korea, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''North Korean Human Rights Act of 2004''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. Purposes.
Sec. 5. Definitions.
TITLE I—PROMOTING THE HUMAN RIGHTS OF NORTH KOREANS
Sec. 101. Sense of Congress regarding negotiations with North Korea.
Sec. 102. Support for human rights and democracy programs.
Sec. 103. Radio broadcasting to North Korea.
Sec. 104. Actions to promote freedom of information.
Sec. 105. United Nations Commission on Human Rights.
Sec. 106. Establishment of regional framework.
Sec. 107. Special Envoy on Human Rights in North Korea.
TITLE II—ASSISTING NORTH KOREANS IN NEED
Sec. 201. Report on United States humanitarian assistance.
Sec. 202. Assistance provided inside North Korea.
Sec. 203. Assistance provided outside of North Korea.
TITLE III—PROTECTING NORTH KOREAN REFUGEES
Sec. 301. United States policy toward refugees and defectors.
Sec. 302. Eligibility for refugee or asylum consideration.
Sec. 303. Facilitating submission of applications for admission as a refugee.
Sec. 304. United Nations High Commissioner for Refugees.
Sec. 305. Annual reports.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) According to the Department of State, the Government of North Korea is ''a dictatorship under the absolute rule of Kim Jong Il'' that continues to commit numerous, serious human rights abuses.

(2) The Government of North Korea attempts to control all information, artistic expression, academic works, and media activity inside North Korea and strictly curtails freedom of speech and access to foreign broadcasts.

(3) The Government of North Korea subjects all its citizens to systematic, intensive political and ideological indoctrination in support of the cult of personality glorifying Kim Jong Il and the late Kim Il Sung that approaches the level of a state religion.

(4) The Government of North Korea divides its population into categories, based on perceived loyalty to the leadership, which determines access to food, employment, higher education, place of residence, medical facilities, and other resources.

(5) According to the Department of State, ''[t]he [North Korean] Penal Code is [d]raconian, stipulating capital punishment and confiscation of assets for a wide variety of 'crimes against the revolution,' including defection, attempted defection, slander of the policies of the Party or State, listening to foreign broadcasts, writing 'reactionary' letters, and possessing reactionary printed matter''.

(6) The Government of North Korea executes political prisoners, opponents of the regime, some repatriated defectors, some members of underground churches, and others, sometimes at public meetings attended by workers, students, and schoolchildren.

(7) The Government of North Korea holds an estimated 200,000 political prisoners in camps that its State Security Agency manages through the use of forced labor, beatings, torture, and executions, and in which many prisoners also die from disease, starvation, and exposure.

(8) According to eyewitness testimony provided to the United States Congress by North Korean camp survivors, camp inmates have been used as sources of slave labor for the production of export goods, as targets for martial arts practice, and as experimental victims in the testing of chemical and biological poisons.

(9) According to credible reports, including eyewitness testimony provided to the United States Congress, North Korean Government officials prohibit live births in prison camps, and forced abortion and the killing of newborn babies are standard prison practices.

(10) According to the Department of State, ''[g]enuine religious freedom does not exist in North Korea'' and, according to the United States Commission on International Religious Freedom, ''[t]he North Korean state severely represses public and private religious activities'' with penalties that reportedly include arrest, imprisonment, torture, and sometimes execution.

(11) More than 2,000,000 North Koreans are estimated to have died of starvation since the early 1990s because of the failure of the centralized agricultural and public distribution systems operated by the Government of North Korea.

(12) According to a 2002 United Nations-European Union survey, nearly one out of every ten children in North Korea suffers from acute malnutrition and four out of every ten children in North Korea are chronically malnourished.

(13) Since 1995, the United States has provided more than 2,000,000 tons of humanitarian food assistance to the people of North Korea, primarily through the World Food Program.

(14) Although United States food assistance has undoubtedly saved many North Korean lives and there have been minor improvements in transparency relating to the distribution of such assistance in North Korea, the Government of North Korea continues to deny the World Food Program forms of access necessary to properly monitor the delivery of food aid, including the ability to conduct random site visits, the use of native Korean-speaking employees, and travel access throughout North Korea.

(15) The risk of starvation, the threat of persecution, and the lack of freedom and opportunity in North Korea have caused large numbers, perhaps even hundreds of thousands, of North Koreans to flee their homeland, primarily into China.

(16) North Korean women and girls, particularly those who have fled into China, are at risk of being kidnapped, trafficked, and sexually exploited inside China, where many are sold as brides or concubines, or forced to work as prostitutes.

(17) The Governments of China and North Korea have been conducting aggressive campaigns to locate North Koreans who are in China without permission and to forcibly return them to North Korea, where they routinely face torture and imprisonment, and sometimes execution.

(18) Despite China's obligations as a party to the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees, China routinely classifies North Koreans seeking asylum in China as mere ''economic migrants'' and returns them to North Korea without regard to the serious threat of persecution they face upon their return.

(19) The Government of China does not provide North Koreans whose asylum requests are rejected a right to have the rejection reviewed prior to deportation despite its obligations under the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.

(20) North Koreans who seek asylum while in China are routinely imprisoned and tortured, and in some cases killed, after they are returned to North Korea.

(21) The Government of China has detained, convicted, and imprisoned foreign aid workers attempting to assist North Korean refugees in proceedings that did not comply with Chinese law or international standards.

(22) In January 2000, North Korean agents inside China allegedly abducted the Reverend Kim Dong-shik, a United States permanent resident and advocate for North Korean refugees, whose condition and whereabouts remain unknown.

(23) Between 1994 and 2003, South Korea has admitted approximately 3,800 North Korean refugees for domestic resettlement, a number that is small in comparison with the total number of North Korean escapees but far greater than the number legally admitted in any other country.

(24) Although the principal responsibility for North Korean refugee resettlement naturally falls to the Government of South Korea, the United States should play a leadership role in focusing international attention on the plight of these refugees, and formulating international solutions to that profound humanitarian dilemma.

(25) In addition to infringing the rights of its own citizens, the Government of North Korea has been responsible in years past for the abduction of numerous citizens of South Korea and Japan, whose condition and whereabouts remain unknown.

SEC. 4. PURPOSES.

The purposes of this Act are—

(1) to promote respect for and protection of fundamental human rights in North Korea;

(2) to promote a more durable humanitarian solution to the plight of North Korean refugees;

(3) to promote increased monitoring, access, and transparency in the provision of humanitarian assistance inside North Korea;

(4) to promote the free flow of information into and out of North Korea; and

(5) to promote progress toward the peaceful reunification of the Korean peninsula under a democratic system of government.

SEC. 5. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on International Relations of the House of Representatives; and

(B) the Committee on Foreign Relations of the Senate.

(2) CHINA.—The term ''China'' means the People's Republic of China.

(3) HUMANITARIAN ASSISTANCE.—The term ''humanitarian assistance'' means assistance to meet humanitarian needs, including needs for food, medicine, medical supplies, clothing, and shelter.

(4) NORTH KOREA.—The term ''North Korea'' means the Democratic People's Republic of Korea.

(5) NORTH KOREANS.—The term ''North Koreans'' means persons who are citizens or nationals of North Korea.

(6) SOUTH KOREA.—The term ''South Korea'' means the Republic of Korea.

TITLE I—PROMOTING THE HUMAN RIGHTS OF NORTH KOREANS

SEC. 101. SENSE OF CONGRESS REGARDING NEGOTIATIONS WITH NORTH KOREA.

It is the sense of Congress that the human rights of North Koreans should remain a key element in future negotiations between the United States, North Korea, and other concerned parties in Northeast Asia.

SEC. 102. SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY PROGRAMS.

(a) SUPPORT.—The President is authorized to provide grants to private, nonprofit organizations to support programs that promote human rights, democracy, rule of law, and the development of a market economy in North Korea. Such programs may include appropriate educational and cultural exchange programs with North Korean participants, to the extent not otherwise prohibited by law.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President $2,000,000 for each of the fiscal years 2005 through 2008 to carry out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 103. RADIO BROADCASTING TO NORTH KOREA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should facilitate the unhindered dissemination of information in North Korea by increasing its support for radio broadcasting to North Korea, and that the Broadcasting Board of Governors should increase broadcasts to North Korea from current levels, with a goal of providing 12-hour-per-day broadcasting to North Korea, including broadcasts by Radio Free Asia and Voice of America.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report that—

(1) describes the status of current United States broadcasting to North Korea; and

(2) outlines a plan for increasing such broadcasts to 12 hours per day, including a detailed description of the technical and fiscal requirements necessary to implement the plan.

SEC. 104. ACTIONS TO PROMOTE FREEDOM OF INFORMATION.

(a) ACTIONS.—The President is authorized to take such actions as may be necessary to increase the availability of information inside North Korea by increasing the availability of sources of information not controlled by the Government of North Korea, including sources such as radios capable of receiving broadcasting from outside North Korea.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President $2,000,000 for each of the fiscal years 2005 through 2008 to carry out subsection (a).

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, and in each of the 3 years thereafter, the Secretary of State, after consultation with the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees a report, in classified form, on actions taken pursuant to this section.

SEC. 105. UNITED NATIONS COMMISSION ON HUMAN RIGHTS.

It is the sense of Congress that the United Nations has a significant role to play in promoting and improving human rights in North Korea, and that—

(1) the United Nations Commission on Human Rights (UNCHR) has taken positive steps by adopting Resolution 2003/10 and Resolution 2004/13 on the situation of human rights in North Korea, and particularly by requesting the appointment of a Special Rapporteur on the situation of human rights in North Korea; and

(2) the severe human rights violations within North Korea warrant country-specific attention and reporting by the United Nations Working Group on Arbitrary Detention, the Working Group on Enforced and Involuntary Disappearances, the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, the Special Rapporteur on the Right to Food, the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, the Special Rapporteur on Freedom of Religion or Belief, and the Special Rapporteur on Violence Against Women.

SEC. 106. ESTABLISHMENT OF REGIONAL FRAMEWORK.

(a) FINDINGS.—The Congress finds that human rights initiatives can be undertaken on a multilateral basis, such as the Organization for Security and Cooperation in Europe (OSCE), which established a regional framework for discussing human rights, scientific and educational cooperation, and economic and trade issues.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United Sates should explore the possibility of a regional human rights dialogue with North Korea that is modeled on the Helsinki process, engaging all countries in the region in a common commitment to respect human rights and fundamental freedoms.

SEC. 107. SPECIAL ENVOY ON HUMAN RIGHTS IN NORTH KOREA.

(a) SPECIAL ENVOY.—The President shall appoint a special envoy for human rights in North Korea within the Department of State (hereafter in this section referred to as the ''Special Envoy''). The Special Envoy should be a person of recognized distinction in the field of human rights.

(b) CENTRAL OBJECTIVE.—The central objective of the Special Envoy is to coordinate and promote efforts to improve respect for the fundamental human rights of the people of North Korea.

(c) DUTIES AND RESPONSIBILITIES.—The Special Envoy shall—

(1) engage in discussions with North Korean officials regarding human rights;

(2) support international efforts to promote human rights and political freedoms in North Korea, including coordination and dialogue between the United States and the United Nations, the European Union, North Korea, and the other countries in Northeast Asia;

(3) consult with non-governmental organizations who have attempted to address human rights in North Korea;

(4) make recommendations regarding the funding of activities authorized in section 102;

(5) review strategies for improving protection of human rights in North Korea, including technical training and exchange programs; and

(6) develop an action plan for supporting implementation of the United Nations Commission on Human Rights Resolution 2004/13.

(d) REPORT ON ACTIVITIES.—Not later than 180 days after the date of the enactment of this Act, and annually for the subsequent 5 year-period, the Special Envoy shall submit to the appropriate congressional committees a report on the activities undertaken in the preceding 12 months under subsection (c).

TITLE II—ASSISTING NORTH KOREANS IN NEED

SEC. 201. REPORT ON UNITED STATES HUMANITARIAN ASSISTANCE.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, and in each of the 2 years thereafter, the Administrator of the United States Agency for International Development, in conjunction with the Secretary of State, shall submit to the appropriate congressional committees a report that describes—

(1) all activities to provide humanitarian assistance inside North Korea, and to North Koreans outside of North Korea, that receive United States funding;

(2) any improvements in humanitarian transparency, monitoring, and access inside North Korea during the previous 1-year period, including progress toward meeting the conditions identified in paragraphs (1) through (4) of section 202(b); and

(3) specific efforts to secure improved humanitarian transparency, monitoring, and access inside North Korea made by the United States and United States grantees, including the World Food Program, during the previous 1-year period.

(b) FORM.—The information required by subsection (a)(1) may be provided in classified form if necessary.

SEC. 202. ASSISTANCE PROVIDED INSIDE NORTH KOREA.

(a) HUMANITARIAN ASSISTANCE THROUGH NONGOVERNMENTAL AND INTERNATIONAL ORGANIZATIONS.—It is the sense of the Congress that—

(1) at the same time that Congress supports the provision of humanitarian assistance to the people of North Korea on humanitarian grounds, such assistance also should be provided and monitored so as to minimize the possibility that such assistance could be diverted to political or military use, and to maximize the likelihood that it will reach the most vulnerable North Koreans;

(2) significant increases above current levels of United States support for humanitarian assistance provided inside North Korea should be conditioned upon substantial improvements in transparency, monitoring, and access to vulnerable populations throughout North Korea; and

(3) the United States should encourage other countries that provide food and other humanitarian assistance to North Korea to do so through monitored, transparent channels, rather than through direct, bilateral transfers to the Government of North Korea.

(b) UNITED STATES ASSISTANCE TO THE GOVERNMENT OF NORTH KOREA.—It is the sense of Congress that—

(1) United States humanitarian assistance to any department, agency, or entity of the Government of North Korea shall—

(A) be delivered, distributed, and monitored according to internationally recognized humanitarian standards;

(B) be provided on a needs basis, and not used as a political reward or tool of coercion;

(C) reach the intended beneficiaries, who should be informed of the source of the assistance; and

(D) be made available to all vulnerable groups in North Korea, no matter where in the country they may be located; and

(2) United States nonhumanitarian assistance to North Korea shall be contingent on North Korea's substantial progress toward—

(A) respect for the basic human rights of the people of North Korea, including freedom of religion;

(B) providing for family reunification between North Koreans and their descendants and relatives in the United States;

(C) fully disclosing all information regarding citizens of Japan and the Republic of Korea abducted by the Government of North Korea;

(D) allowing such abductees, along with their families, complete and genuine freedom to leave North Korea and return to the abductees' original home countries;

(E) reforming the North Korean prison and labor camp system, and subjecting such reforms to independent international monitoring; and

(F) decriminalizing political expression and activity.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Agency for International Development shall submit to the appropriate congressional committees a report describing compliance with this section.

SEC. 203. ASSISTANCE PROVIDED OUTSIDE OF NORTH KOREA.

(a) ASSISTANCE.—The President is authorized to provide assistance to support organizations or persons that provide humanitarian assistance to North Koreans who are outside of North Korea without the permission of the Government of North Korea.

(b) TYPES OF ASSISTANCE.—Assistance provided under subsection (a) should be used to provide—

(1) humanitarian assistance to North Korean refugees, defectors, migrants, and orphans outside of North Korea, which may include support for refugee camps or temporary settlements; and

(2) humanitarian assistance to North Korean women outside of North Korea who are victims of trafficking, as defined in section 103(14) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(14)), or are in danger of being trafficked.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to funds otherwise available for such purposes, there are authorized to be appropriated to the President $20,000,000 for each of the fiscal years 2005 through 2008 to carry out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

TITLE III—PROTECTING NORTH KOREAN REFUGEES

SEC. 301. UNITED STATES POLICY TOWARD REFUGEES AND DEFECTORS.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State, in consultation with the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees and the Committees on the Judiciary of the House of Representatives and the Senate a report that describes the situation of North Korean refugees and explains United States Government policy toward North Korean nationals outside of North Korea.

(b) CONTENTS.—The report shall include—

(1) an assessment of the circumstances facing North Korean refugees and migrants in hiding, particularly in China, and of the circumstances they face if forcibly returned to North Korea;

(2) an assessment of whether North Koreans in China have effective access to personnel of the United Nations High Commissioner for Refugees, and of whether the Government of China is fulfilling its obligations under the 1951 Convention Relating to the Status of Refugees, particularly Articles 31, 32, and 33 of such Convention;

(3) an assessment of whether North Koreans presently have unobstructed access to United States refugee and asylum processing, and of United States policy toward North Koreans who may present themselves at United States embassies or consulates and request protection as refugees or asylum seekers and resettlement in the United States;

(4) the total number of North Koreans who have been admitted into the United States as refugees or asylees in each of the past five years;

(5) an estimate of the number of North Koreans with family connections to United States citizens; and

(6) a description of the measures that the Secretary of State is taking to carry out section 303.

(c) FORM.—The information required by paragraphs (1) through (5) of subsection (b) shall be provided in unclassified form. All or part of the information required by subsection (b)(6) may be provided in classified form, if necessary.

SEC. 302. ELIGIBILITY FOR REFUGEE OR ASYLUM CONSIDERATION.

(a) PURPOSE.—The purpose of this section is to clarify that North Koreans are not barred from eligibility for refugee status or asylum in the United States on account of any legal right to citizenship they may enjoy under the Constitution of the Republic of Korea. It is not intended in any way to prejudice whatever rights to citizenship North Koreans may enjoy under the Constitution of the Republic of Korea, or to apply to former North Korean nationals who have availed themselves of those rights.

(b) TREATMENT OF NATIONALS OF NORTH KOREA.—For purposes of eligibility for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or for asylum under section 208 of such Act (8 U.S.C. 1158), a national of the Democratic People's Republic of Korea shall not be considered a national of the Republic of Korea.

SEC. 303. FACILITATING SUBMISSION OF APPLICATIONS FOR ADMISSION AS A REFUGEE.

The Secretary of State shall undertake to facilitate the submission of applications under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) by citizens of North Korea seeking protection as refugees (as defined in section 101(a)(42) of such Act (8 U.S.C. 1101(a)(42)).

SEC. 304. UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES.

(a) ACTIONS IN CHINA.—It is the sense of Congress that—

(1) the Government of China has obligated itself to provide the United Nations High Commissioner for Refugees (UNHCR) with

unimpeded access to North Koreans inside its borders to enable the UNHCR to determine whether they are refugees and whether they require assistance, pursuant to the 1951 United Nations Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, and Article III, paragraph 5 of the 1995 Agreement on the Upgrading of the UNHCR Mission in the People's Republic of China to UNHCR Branch Office in the People's Republic of China (referred to in this section as the ''UNHCR Mission Agreement'');

(2) the United States, other UNHCR donor governments, and UNHCR should persistently and at the highest levels continue to urge the Government of China to abide by its previous commitments to allow UNHCR unimpeded access to North Korean refugees inside China;

(3) the UNHCR, in order to effectively carry out its mandate to protect refugees, should liberally employ as professionals or Experts on Mission persons with significant experience in humanitarian assistance work among displaced North Koreans in China;

(4) the UNHCR, in order to effectively carry out its mandate to protect refugees, should liberally contract with appropriate nongovernmental organizations that have a proven record of providing humanitarian assistance to displaced North Koreans in China;

(5) the UNHCR should pursue a multilateral agreement to adopt an effective ''first asylum'' policy that guarantees safe haven and assistance to North Korean refugees; and

(6) should the Government of China begin actively fulfilling its obligations toward North Korean refugees, all countries, including the United States, and relevant international organizations should increase levels of humanitarian assistance provided inside China to help defray costs associated with the North Korean refugee presence.

(b) ARBITRATION PROCEEDINGS.—It is further the sense of Congress that—

(1) if the Government of China continues to refuse to provide the UNHCR with access to North Koreans within its borders, the UNHCR should initiate arbitration proceedings pursuant to Article XVI of the UNHCR Mission Agreement and appoint an arbitrator for the UNHCR; and

(2) because access to refugees is essential to the UNHCR mandate and to the purpose of a UNHCR branch office, a failure to assert those arbitration rights in present circumstances would constitute a significant abdication by the UNHCR of one of its core responsibilities.

SEC. 305. ANNUAL REPORTS.

(a) IMMIGRATION INFORMATION.—Not later than 1 year after the date of the enactment of this Act, and every 12 months thereafter for each of the following 5 years, the Secretary of State and the Secretary of Homeland Security shall submit a joint report to the appropriate congressional committees and the Committees on the Judiciary of the House of Representatives and the Senate on the operation of this title during the previous year, which shall include—

(1) the number of aliens who are nationals or citizens of North Korea who applied for political asylum and the number who were granted political asylum; and

(2) the number of aliens who are nationals or citizens of North Korea who applied for refugee status and the number who were granted refugee status.

(b) COUNTRIES OF PARTICULAR CONCERN.—The President shall include in each annual report on proposed refugee admission pursuant to section 207(d) of the Immigration and Nationality Act (8 U.S.C. 1157(d)), information about specific measures taken to facilitate access to the United States refugee program for individuals who have fled countries of particular concern for violations of religious freedom, identified pursuant to section 402(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)). The report shall include, for each country of particular concern, a description of access of the nationals or former habitual residents of that country to a refugee determination on the basis of—

(1) referrals by external agencies to a refugee adjudication;

(2) groups deemed to be of special humanitarian concern to the United States for purposes of refugee resettlement; and

(3) family links to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from Florida (Mr. WEXLER) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4011.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 4011, the North Korean Human Rights Act of 2004. As approved unanimously by the Senate last week, the bill contains three modest changes from the text passed by this body in July. First it expresses the sense of Congress that the United States should explore the possibility of a regional dialogue on human rights with North Korea. Second, it mandates the appointment of a special envoy on human rights in North Korea within the State Department. Finally, it enhances the discretion of the executive branch by recasting conditions on assistance to the North Korean government as a sense of Congress provision.

I deeply appreciate the efforts of the Senate to ensure that the 108th Congress speaks with a unanimous, bipartisan voice on these issues of shared concern. In this connection, I would like to express my particular gratitude to Senators BROWNBACK, BAYH, LUGAR, BIDEN and their capable staff members.

During the past 2½ years, the Subcommittee on Asia and the Pacific has received testimony from a number of North Koreans who have survived some of the gravest rigors of the human condition. Their accounts buttress the growing awareness that the people of North Korea have endured some of the most acute humanitarian traumas of our time.

Inside North Korea they suffer at the hands of a totalitarian dynasty that permits no dissent and strictly curtails freedoms of speech, press, religion, and assembly. The regime maintains a brutal system of prison camps that house an estimated 200,000 political inmates who are subjected to slave labor, torture, and even lethal chemical experimentation. Since the collapse of the centralized agricultural system in the 1990s, more than 2 million North Koreans are estimated to have died of starvation.

North Koreans outside of North Korea are also uniquely vulnerable. Many thousands are hiding inside China, which currently refuses to allow the U.N. High Commissioner For Refugees to evaluate and identify genuine refugees among the North Korea migrant population. China forcibly returns North Koreans to North Korea, where they routinely face imprisonment, torture, and sometimes execution. Inside China, North Korean women and girls are particularly vulnerable to trafficking and sexual exploitation.

Provoked by these crises, this broadly bipartisan legislation aims to promote international cooperation on human rights and refugee protection and increased transparency in the provision of humanitarian assistance to the people of North Korea.

On the human rights front, this bill underscores the importance of human rights issues in future negotiations with North Korea. It authorizes funds for programs to promote human rights, democracy, rule of law, market economy, and freedom of information. It also urges additional North Korea-specific attention by appropriate U.N. human rights authorities.

On the humanitarian front, the bill authorizes increased funding for assistance to North Koreans outside of North Korea, including refugees, orphans, and trafficking victims. It endorses but also seeks greater transparency for the delivery of U.S. humanitarian aid inside North Korea. Finally, it outlines human rights and humanitarian principles that should govern future direct aid to the North Korean government.

In terms of refugee protection, the bill requires a formal clarification of U.S. policy and affirms the eligibility of North Koreans to seek protection as refugees under United States law. It also urges the U.N. High Commissioner For Refugees to use all available means to gain access to North Koreans in China.

Although the principal responsibility for North Korean refugee resettlement naturally falls with the government of South Korea, the United States should play a leadership role in focusing international attention on the plight of these refugees in formulating shared international solutions to their profound humanitarian dilemma.

I wanted to remove any misapprehension that overseas audiences may have about the intent, content, or motives behind this bill. Unequivocally, I would state this legislation is a purely humanitarian endeavor. There are no hidden agendas related to geostrategic concerns and strategies. Indeed, the committee of jurisdiction is deeply indebted to the concerns expressed by thousands of American citizens of Korean descent, who are convinced that for too long the international community has largely ignored the plight of their brethren in the north.

As explained in the report of the Committee on International Relations:

''H.R. 4011 is motivated by a genuine desire for improvements in human rights, refugee protection and humanitarian transparency.

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''It is not a pretext for a hidden strategy to provoke regime collapse or to seek collateral advantage in ongoing strategic negotiations. While the legislation highlights numerous egregious abuses, the Congress remains willing to recognize progress in the future, and hopes for such an opportunity.''

Similarly, with regard to China, this bill is not solely critical; it is also aspirational. It makes clear that the United States and the international community stand ready to provide more assistance to help defray the costs associated with North Korean migrant presence when China begins fulfilling its obligations as a party to the 1951 U.N. Refugee Convention. We genuinely hope for that opportunity.

I would like to thank my colleagues for their strong bipartisan endorsement of this bill. I also would like to thank the many nongovernmental and civic organizations who have informed and supported this legislation. In this regard, the pivotal efforts of the North Korea Freedom Coalition, a group of more than 40 nonpartisan NGOs, deserves particular mention.

Finally, I would like to note the particular contributions of Senator SAM BROWNBACK, whose leadership in the other body has inspired House action on this issue. And in this body, the attention and insight of the gentleman from California (Mr. LANTOS), the gentleman from American Samoa (Mr. FALEOMAVAEGA), the gentleman from California (Mr. BERMAN), the gentleman from New York (Mr. ACKERMAN), and the gentleman from Florida (Mr. WEXLER) on the Democratic side, and the gentleman from California (Mr. COX), the gentleman from California (Mr. ROYCE), and the gentleman from New Jersey (Mr. SMITH) on this side of the aisle are deeply appreciated.

Madam Speaker, H.R. 4011 is a responsible, creative approach to an ongoing human rights tragedy and deserves our unanimous support.

Madam Speaker, I reserve the balance of my time.

Mr. WEXLER. Madam Speaker, I yield myself such time as I may consume.

I strongly support this legislation, and I urge my colleagues to do so as well.

I would first like to commend my good friend, the gentleman from Iowa (Mr. LEACH), for his introduction of the North Korean Human Rights Act, and the gentleman from American Samoa (Ranking Member FALEOMAVAEGA) for his hard work on the bill as well.

Madam Speaker, United States policy towards North Korea has been a principal focus of American policymakers for over a decade. Both Republican and Democratic administrations have actively sought to encourage the North Korean leadership to end its nuclear and missile programs and to end its destabilizing influence in the northeast Asian region.

But as the United States attempts to encourage North Korea to give up its weapons of mass destruction and to establish positive relationships with the United States, Japan, South Korea, and China, we have paid insufficient attention to the horrendous human rights situation in North Korea and the desperate humanitarian crisis caused by the North Korean misrule.

Madam Speaker, the legislation before the House will correct this imbalance. The North Korean Human Rights Act will press the administration to actively pursue a human rights and humanitarian agenda with North Korea, as we also attempt to resolve our security differences with the North.

According to the annual State Department Human Rights Report, North Korea is one of the world's worst human rights abusers. Over the past decade, millions of North Korean citizens starved to death because of their own government's gross incompetence, while the North Korean leadership lived a luxurious life in their tucked-away villas. The North Korean gulags, furthermore, overflow with North Korean prisoners with no hope of release.

North Korea does not hold free and fair elections, and there is no freedom of the press. North Korean citizens do not have the right to speak out against their government or to practice a religion.

In short, Madam Speaker, the North Korean people have no hope of changing their government unless the United States and other world democracies stand up for freedom in North Korea.

This important legislation will also help focus attention on the large number of North Korean refugees that have been created by the North's misrule, particularly those refugees in China. It is critically important that the U.N. High Commissioner For Refugees have access to this floating population and that the North Korean refugees be treated appropriately.

Madam Speaker, the legislation before the House tackles all of these important subjects. It will direct that human rights remain on the negotiation table with the North. It demands better accountability for international food aid to North Korea. It encourages a solution on the North Korean refugee issue with China, and it attempts to increase American broadcasting in North Korea.

This bill is an excellent piece of legislation, and I strongly support its passage.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEACH. Madam Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey (Mr. SMITH), who is the House's great leader on human rights issues.

Mr. SMITH of New Jersey. Madam Speaker, I thank the gentleman for yielding me this time.

I want to rise and really pay tribute to the leadership of the gentleman from Iowa (Mr. LEACH) in bringing this legislation not just to the floor today, but to what will be its ultimate enactment into law. I thank the gentleman for his leadership on human rights in North Korea, as well as human rights in the Asian Pacific region. The gentleman has been a stalwart and a real leader, and this is just another important product of that work; and I, and I know many others, are very grateful for his leadership.

This bill is the culmination of a concerted bipartisan effort to act against the unspeakable cruelties occurring under the Kim Jong Il regime. In this regard, I want to commend the efforts as well of the North Korean Freedom Coalition which sponsored, as many Members know, the historic North Korea Freedom Day rally in Washington on April 28, as well as the Korean-American Church Coalition, which built strong support for this bill out in the grass-roots.

Madam Speaker, since the mid-1990s, as many as 2 million North Koreans have died because of failed North Korean economic policies. Despite the loss of nearly 10 percent of the country's population to a man-made famine, Kim Jong Il's regime uses food as a weapon to control its population by rewarding loyalty and withholding food from enemies of the regime. In North Korean society the entire population is divided into three class labels assigned on the basis of loyalty to the regime: ''core,'' ''wavering,'' and ''hostile.'' These labels continue to be used to prioritize access to jobs, region of residence, and entitlement to items distributed through the Public Distribution System.

Humanitarian relief organizations such as the U.N. World Food Program are prohibited by North Korea from distributing food and relief supplies directly to starving victims. Instead, the brutal dictatorship siphons off food aid and gives it to the Communist leadership and to the Army. H.R. 4011 authorizes increased funding for assistance for North Korean refugees, orphans, and trafficking victims outside of North Korea and conditions additional humanitarian assistance inside North Korea upon significant improvements in transparency and monitoring. It is the sense of Congress that future assistance to North Korea should be prohibited unless the government ensures that internationally recognized human rights standards are met and Pyongyang makes substantial progress towards respecting basic human rights such as decriminalizing political expression, providing for family reunification, and reform of its prison camp system.

Madam Speaker, North Korea's human rights abuses, as we now know, are a nightmare of epic proportions. Its regime restricts every basic freedom of its people. It attempts to control all information, brainwashes citizens into

following a cult of personality, and threatens international security through the reckless use of its nuclear weapons program. President Bush was clearly correct in labeling North Korea as a nation as part of the ''axis of evil.''

An estimated 150,000 to 200,000 political prisoners in North Korea are held in camps where they are subjected to torture, forced labor, starvation, and execution. Prisoners in these camps include thousands who attempted to flee the country to avoid starvation, but were returned to North Korea, regrettably, by the Chinese. Eye witnesses from these camps have testified before a hearing that the gentleman from Iowa (Chairman LEACH) held on the subcommittee and told us horrific stories of savage torture, forced abortions, and persecution of Christians. Mothers have seen their newborn children killed right in front of their very eyes by North Korean prison guards.

Madam Speaker, H.R. 4011 also provides additional support and protection for the courageous North Koreans who have been able to escape by clarifying that North Koreans are eligible to apply for U.S. refugee and asylum consideration, and designating North Koreans who have been persecuted or mistreated by the North Koreans as a priority 2 group of special humanitarian concern to the United States. H.R. 4011 also underscores China's obligation to provide UNHCR with access to North Koreans in China and urges the UNHCR to assert its right to arbitration with China in an effort to secure access to North Koreans in China.

This is a very, very important human rights bill. Again, I want to commend the chairman for his extraordinary leadership in bringing it to the body today.

Mr. LEACH. Madam Speaker, I yield myself such time as I may consume.

In conclusion, let me just stress as strongly as I can that the regime in North Korea is one of the most difficult in the world. Economically, it is based upon the selling of weapons, the selling of drugs, and the selling of counterfeit money. We would like what is best for the North Korean people, that is, the possibility that this regime can come into this new century in a way that is acceptable in behavior to the international community and, therefore, in a manner that gives hope and prosperity to the North Korean people.

We would like a rogue state that, quite frankly, is partly a criminal state, to become a civilized community. But we have nothing in this bill that is aimed at doing anything except providing incentives for a regime to do better and for a society to be better off. With that emphasis on a humanitarian goal, not a geo-strategic one, a humanitarian one, we urge the greatest possible support from this body and for a new policy and a new kind of era for United States and North Korean relations.

Mr. ROYCE. Madam Speaker, I rise in support of H.R. 4011, the North Korea Human Rights Act, of which I am an original cosponsor.

I would like to commend the gentleman from Iowa, Mr. LEACH, and thank the leadership for expeditiously bringing this bill to the floor.

Madam Speaker, the House passed this legislation unanimously in July. Last week, the other body passed this bill with minor changes. With its passage today, this important piece of legislation heads to the President's desk.

This legislation has been years in the making. In May 2002, the Asia Subcommittee held the first of our hearings that have focused on the humanitarian plight in North Korea. At this hearing and others, our committee heard testimony from North Korean defectors. As Chairman of the US-Republic of Korea Interparliamentary Exchange, I have led Congressional delegations to Seoul where we have met with defectors lucky enough to escape the regime of Kim Jong Il. Here we heard firsthand accounts of the brutal conditions that face the average North Korean—where the regime apportions and withholds food based on perceived citizen loyalty to Kim Jong Il. These meetings and hearings have helped to lay the foundation for this legislation.

Madam Speaker, much has been made about the best way to approach North Korea, which poses a nuclear threat. I believe that there is a strong consensus to bring about change in North Korea. This legislation makes it clear that human rights conditions in North Korea should remain a key element in future negotiations between the United States, North Korea, and other concerned parties in Northeast Asia.

In order to ensure his survival, Kim Jong Il tries to keep an iron grip on all information in North Korea. U.S. backed Radio Free Asia is working to counter Kim Jong Il's propaganda, bringing objective news to the North Korean people. Surveys indicate that North Korean defectors are listening to RFA's broadcasts. A former North Korean military officer tells the story of one official shouting to another during a policy debate, ''You . . . must listen to [the] radio coming from the outside world! Then you will know that we have been living like frogs in a well! [with blinders on].''

That is why this bill calls for an increase of radio broadcasts into North Korea to twelve hours per day. And because of the problem of access to suitable radios in North Korea, the legislation requests a report detailing the steps the U.S. government is taking to increase the availability of information inside North Korea—including the provision of radios. This should maximize North Koreans access to foreign broadcasts like Radio Free Asia. The stakes couldn't be higher. We are talking about helping to free people and by doing so, improving our security.

This legislation is a responsible initiative to promote human rights, refugee protection, and increased transparency in the delivery of humanitarian aid to the North Korean people. It deserves our support.

Mr. LEACH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BLACKBURN). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and concur in the Senate amendment to H.R. 4011.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

URGING GOVERNMENT OF UKRAINE TO ENSURE DEMOCRATIC, TRANSPARENT, AND FAIR ELECTIONS PROCESS FOR PRESIDENTIAL ELECTION ON OCTOBER 31, 2004

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 415) urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004, as amended.

The Clerk read as follows:

H. CON. RES. 415

Whereas the establishment of a democratic, transparent, and fair election process for the 2004 presidential election in Ukraine and of a genuinely democratic political system are prerequisites for that country's full integration into the Western community of nations as an equal member, including into organizations such as the North Atlantic Treaty Organization (NATO);

Whereas the Government of Ukraine has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security and Cooperation in Europe (OSCE), including provisions of the Copenhagen Document;

Whereas the election on October 31, 2004, of Ukraine's next president will provide an unambiguous test of the extent of the Ukrainian authorities' commitment to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas this election takes place against the backdrop of previous elections that did not fully meet international standards and of disturbing trends in the current pre-election environment;

Whereas it is the duty of government and public authorities at all levels to act in a manner consistent with all laws and regulations governing election procedures and to ensure free and fair elections throughout the entire country, including preventing activities aimed at undermining the free exercise of political rights;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which neither administrative action nor violence, intimidation, or detention hinder the parties, political associations, and the candidates from presenting their views and qualifications to the citizenry, including organizing supporters, conducting public meetings and events throughout the country, and enjoying unimpeded access to television, radio, print, and Internet media on a non-discriminatory basis;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote and the right to seek and acquire information upon which to make an informed vote, free from intimidation, undue influence, attempts at vote buying, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas a genuinely free and fair election requires government and public authorities

to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote-counting in all areas of the country;

Whereas increasing control and manipulation of the media by national and local officials and others acting at their behest raise grave concerns regarding the commitment of the Ukrainian authorities to free and fair elections;

Whereas efforts by the national authorities to limit access to international broadcasting, including Radio Liberty and the Voice of America, represent an unacceptable infringement on the right of the Ukrainian people to independent information;

Whereas efforts by national and local officials and others acting at their behest to impose obstacles to free assembly, free speech, and a free and fair political campaign have taken place in Donetsk, Sumy, and elsewhere in Ukraine without condemnation or remedial action by the Ukrainian Government;

Whereas numerous substantial irregularities have taken place in recent Ukrainian parliamentary by-elections in the Donetsk region and in mayoral elections in Mukacheve, Romny, and Krasniy Luch; and

Whereas the intimidation and violence during the April 18, 2004, mayoral election in Mukacheve, Ukraine, represent a deliberate attack on the democratic process: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) acknowledges and welcomes the strong relationship formed between the United States and Ukraine since the restoration of Ukraine's independence in 1991;

(2) recognizes that a precondition for the full integration of Ukraine into the Western community of nations, including as an equal member in institutions such as the North Atlantic Treaty Organization (NATO), is its establishment of a genuinely democratic political system;

(3) expresses its strong and continuing support for the efforts of the Ukrainian people to establish a full democracy, the rule of law, and respect for human rights in Ukraine;

(4) urges the Government of Ukraine to guarantee freedom of association and assembly, including the right of candidates, members of political parties, and others to freely assemble, to organize and conduct public events, and to exercise these and other rights free from intimidation or harassment by local or national officials or others acting at their behest;

(5) urges the Government of Ukraine to meet its Organization for Security and Cooperation in Europe (OSCE) commitments on democratic elections and to address issues previously identified by the Office of Democratic Institutions and Human Rights (ODIHR) of the OSCE in its final reports on the 2002 parliamentary elections and the 1999 presidential elections, such as illegal interference by public authorities in the campaign and a high degree of bias in the media;

(6) urges the Ukrainian authorities to ensure—

(A) the full transparency of election procedures before, during, and after the 2004 presidential elections;

(B) free access for Ukrainian and international election observers;

(C) multiparty representation on all election commissions;

(D) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a non-discriminatory basis;

(E) freedom of candidates, members of opposition parties, and independent media organizations from intimidation or harassment by government officials at all levels via selective tax audits and other regulatory procedures, and in the case of media, license revocations and libel suits, among other measures;

(F) a transparent process for complaint and appeals through electoral commissions and within the court system that provides timely and effective remedies; and

(G) vigorous prosecution of any individual or organization responsible for violations of election laws or regulations, including the application of appropriate administrative or criminal penalties;

(7) further calls upon the Government of Ukraine to guarantee election monitors from the ODIHR, other participating States of the OSCE, Ukrainian political parties, candidates' representatives, nongovernmental organizations, and other private institutions and organizations, both foreign and domestic, unobstructed access to all aspects of the election process, including unimpeded access to public campaign events, candidates, news media, voting, and post-election tabulation of results and processing of election challenges and complaints;

(8) strongly encourages the President to fully employ the diplomatic and other resources of the Government of the United States to ensure that the election laws and procedures of Ukraine are faithfully adhered to by all local and national officials, by others acting at their behest, and by all candidates and parties, during and subsequent to the presidential campaign and election-day voting;

(9) strongly encourages the President to clearly communicate to the Government of Ukraine, to all parties and candidates, and to the people of Ukraine the high importance attached by the Government of the United States to this presidential campaign as a central factor in determining the future relationship between the two countries; and

(10) pledges its enduring support and assistance to the Ukrainian people's establishment of a fully free and open democratic system, their creation of a prosperous free market economy, their establishment of a secure independence and freedom from coercion, and their country's assumption of its rightful place as a full and equal member of the Western community of democracies.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Florida (Mr. WEXLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Con. Res. 415 regarding free and fair elections in Ukraine. I want to commend the gentleman from Illinois (Chairman HYDE) for introducing this important and timely resolution and thank the ranking Democrat of the full committee, the gentleman from California (Mr. LANTOS), for his strong support.

On October 31, the people of Ukraine will go to the polls to participate in an election for their next president. The development of a strong democracy in Ukraine has been slow and difficult over the past 13 years by any measure. However, no issue will be more important to Ukraine's future standing with the West than the strength of its democracy. Therefore, this election, in many ways represents a historic opportunity for the people of Ukraine to decide whether or not democracy can flourish in this important nation.

Ukraine has an obvious need to maintain positive relations with its neighbor, Russia. But with its resources and economic potential, Ukraine can and should be an important element in the further stabilization of Europe. However, its long-term commitment to democracy is the only way Ukraine can become a full partner with the democracies of the Euro-Atlantic community. Because of the importance of relations between Ukraine and the West, Ukraine has been reassured time and again that the door to the West remains open. This month will be a crucial test of whether the Ukrainian people and their government are willing to make the effort to walk through that door.

Regrettably, recent statements and actions by some in the current political leadership have raised concerns in the international community and in this Congress about whether this election will be open and fair. Based on problems witnessed in the past elections in Ukraine, I believe it is important that Ukraine's leaders understand that this election will be regarded as a litmus test of Ukraine's commitment to democracy and to its future in Europe.

It seems incomprehensible to me that with the rocky relationship the West has had at times with the outgoing leadership in Kiev, that either of the major candidates running for election would want his victory tainted by an unfair electoral process, biased media coverage, and even thuggery.

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Why would the next President of Ukraine want to spend the next 5 years under a cloud of legitimacy?

Many visitors to Ukraine, including several from this House over the past few months, have raised the issue of free and fair elections. All have been reassured by President Kuchma, Prime Minister Yanukovich, Foreign Minister

Gryshcenko, and Speaker of the Parliament, Lytvyn, that every effort will be made to meet the government's commitment for a free and fair election. I am afraid, however, that in many instances thus far, the rhetoric has not been matched by the actions.

At the Subcommittee on Europe markup of this resolution in June, our former subcommittee chairman, Doug Bereuter, noted that they would hold those government officials to their word. We know that Ukraine's leaders have heard our message, but we are concerned that some of them are not taking that message seriously.

H. Con. Res. 415 notes the importance of the presidential election to the success of Ukraine's transition to democracy. The resolution addresses reports of government harassment of those who support opposition candidates and of threats and violence against opposition leaders and their families. It speaks to allegations of harassment of independent media in Ukraine and about allegations of possible outright election fraud.

The resolution stresses how important it will be for President Kuchma and other senior officials to take active steps to ensure that the kinds of foul play seen in past elections do not become the norm during the remainder of this presidential election.

Finally, the manager's amendment which has been included also includes language calling on the United States Government to ensure that all of Ukraine's election laws are being followed by the presidential candidates and those working on their behalf.

Mr. Speaker, we in the Congress remain committed to assisting Ukraine in building a stable, democratic and prosperous nation. What better way for President Kuchma to leave office than to ensure that the people of Ukraine have a free and fair choice as to who will lead them over the next 5 years?

We hope the elections in just a few weeks' time will prove that Ukraine too shares these same goals.

I urge adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. WEXLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. Mr. Speaker, I want to thank my friends and colleagues, the gentleman from California (Mr. LANTOS), the gentleman from Illinois (Mr. HYDE), the gentleman from New Jersey (Mr. SMITH) and Doug Bereuter for sponsoring this important resolution, as well as the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mr. Speaker, this resolution reaffirms U.S. Congressional support for the democratic aspirations of the Ukrainian people and the establishment of a genuine democracy in Ukraine. Given the importance of Ukraine to the stability of southeastern Europe and the strong ties between the Ukrainian and American people, we must make every effort to put the relationship between our two nations on a strong and democratic footing.

Unfortunately, the conduct of the previous parliamentary and presidential elections in Ukraine was judged to be flawed by the Organization for Security and Cooperation in Europe. We in Congress had hoped that the Government of Ukraine had learned from its past mistakes, but all the evidence elected collected so far about the conduct of this year's presidential campaign points otherwise.

As the Ukrainian presidential election approaches in just 3 weeks, the prospect for the election to be free and fair seems bleak.

Despite high-level protests by the United States government and the Congress over the continued manipulation and control of the media by national and local Ukrainian officials, these violations have continued unabated and raise grave concerns regarding the commitment of the Ukrainian Government to free and fair elections.

I am also uneasy about the efforts of the Government of the Russian Federation to tilt the election in favor of the presidential candidate from the ruling party.

Mr. Speaker, Ukraine has been a country at the crossroads for the past 12 years. This election will show the world whether the Ukrainian Government is committed to democracy and the rule of law. It will also serve as an indicator of the Ukraine's readiness to become a valuable member of the Western community of democracies.

Congressional consideration of this resolution today, just 3 weeks before the presidential election, sends an important message to the Ukrainian electorate and the Ukrainian political elite that the U.S. Congress cares deeply about the political future of Ukraine.

Mr. Speaker, the United States seeks a strong and lasting relationship with Ukraine. Ukraine has already shown its good will by joining coalition forces in Iraq. However, history has shown that the most enduring and fruitful alliances can be sustained between genuine democracies which share the same values and aspirations.

I would like to express my sincere hope that Ukraine will succeed in conducting a democratic and fair election. Ukraine will then be on a firm path of becoming a full-fledged member of Europe.

I strongly urge my colleagues to support this resolution.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield as much time as he may consume to my colleague the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I am very pleased that the House moved to the timely consideration of H. Con. Res. 415, which calls upon the government of Ukraine to ensure a democratic, transparent and fair election process for that country's presidential elections that are about to take place on October 31. As chairman of the Helsinki Commission, I join the gentleman from Illinois (Chairman HYDE) in sponsoring this important resolution. H. Con. Res. 415 makes clear the expectation that Ukrainian authorities should, consistent with their own laws and international agreements, ensure an election process that enables all of the candidates to compete on a level playing field.

International attention, Mr. Speaker, is now rightly focused on ensuring free, fair, open and transparent presidential elections on October 31, with a second round likely on November 21. These elections are critically important to the future of Ukraine, yet we see on a daily basis an election campaign that seriously calls into question Ukraine's commitment to OSCE principles.

Without exaggeration, Ukraine is facing a critical election, a choice not only between Euro-Atlantic integration versus reintegration into the former Soviet Eurasian space, but a choice between further development toward a European-style democracy, such as in Poland or Hungary, versus the increasingly authoritarian system that prevails in Russia today.

Unfortunately, the pre-election environment in Ukraine gives great cause for concern. Ukrainian voters clearly are not receiving balanced and objective information about all of the candidates in the race. Ukraine's state-owned television channels are heavily biased against the democratic opposition candidate, Viktor Yushchenko, who is leading in the polls nevertheless.

Independent media providing Ukrainians with objective information about the campaign, including channel 5, are being shut down in various regions. Journalists who do not follow the secret instructions from the presidential administration, it is called temnyky, are harassed and even fired. Given the stakes in these elections, Mr. Speaker, we should not be surprised that the ruling regime has launched an all-out campaign against the free media and against the opposition, the most recent of numerous examples being the highly suspicious poisoning of Viktor Yushchenko.

In addition, numerous obstacles to a free and fair political campaign have been placed by the national authorities, including intimidation of citizens, candidates and campaigns, the harassment of citizen expressions of political views, and the illegal use of State resources to promote the candidacy of Prime Minister Viktor Yanukovich.

Equal conditions for candidates, including unimpeded access to media, and an end to the intimidation and harassment of candidates and citizens must be provided during the remainder of the presidential campaign and will be key in determining whether or not the Ukrainian presidential elections will be judged as free and fair by the OSCE and the international community.

The elections will be a watershed for the future direction of that country.

Ukraine has tremendous potential. An independent, democratic Ukraine where the rule of law prevails is vital to the security and stability of Europe. Ukrainian authorities need to radically improve the election environment, however, if there is to be hope for these elections to meet those standards.

Mr. Speaker, this resolution urges the Ukrainian government to guarantee freedom of association and assembly, and it is not guaranteed now; ensure full transparency of the election process; free access for Ukrainian and international election observers; and unimpeded access by all candidates to the media on a nondiscriminatory basis.

I urge all Members to support this.

Mr. WEXLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of the time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURPHY). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 415, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 878, CREATING ADDITIONAL FEDERAL COURT JUDGESHIPS

Mr. SESSIONS (during consideration of H. Con. Res. 415) from the Committee on Rules, submitted a privileged report (Rept. No. 108–723) on the resolution (H. Res. 814) providing for consideration of the bill (S. 878) to authorize an additional permanent judgeship in the district of Idaho, and for other purposes, which was referred to the House Calendar and ordered to be printed.

BELARUS DEMOCRACY ACT OF 2004

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 854) to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence, as amended.

The Clerk read as follows:

H.R. 854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Belarus Democracy Act of 2004''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States supports the promotion of democracy, respect for human rights, and the rule of law in the Republic of Belarus consistent with its commitments as a participating state of the Organization for Security and Cooperation in Europe (OSCE).

(2) The United States has a vital interest in the independence and sovereignty of the Republic of Belarus and its integration into the European community of democracies.

(3) In November 1996, Lukashenka orchestrated an illegal and unconstitutional referendum that enabled him to impose a new constitution, abolish the duly-elected parliament, the 13th Supreme Soviet, install a largely powerless National Assembly, and extend his term of office to 2001.

(4) Democratic forces in Belarus have organized peaceful demonstrations against the Lukashenka regime in cities and towns throughout Belarus which led to beatings, mass arrests, and extended incarcerations.

(5) Victor Gonchar, Anatoly Krasovsky, and Yuri Zakharenka, who have been leaders and supporters of the democratic forces in Belarus, and Dmitry Zavadsky, a journalist known for his critical reporting in Belarus, have disappeared and are presumed dead.

(6) Former Belarus Government officials have come forward with credible allegations and evidence that top officials of the Lukashenka regime were involved in the disappearances.

(7) The Belarusian authorities have mounted a major systematic crackdown on civil society through the closure, harassment, and repression of nongovernmental organizations, and independent trade unions.

(8) The Belarusian authorities actively suppress freedom of speech and expression, including engaging in systematic reprisals against independent media.

(9) The Lukashenka regime has reversed the revival of Belarusian language and culture, including through the closure of the National Humanities Lyceum, the last remaining high school where classes were taught in the Belarusian language.

(10) The Lukashenka regime harasses the autocephalic Belarusian Orthodox Church, the Roman Catholic Church, the Jewish community, the Hindu Lights of Kalyasa community, evangelical Protestant churches (such as Baptist and Pentecostal groups), and other minority religious groups.

(11) The Law on Religious Freedom and Religious Organizations, passed by the National Assembly and signed by Lukashenka on October 31, 2002, establishes one of the most repressive legal regimes in the OSCE region, severely limiting religious freedom and placing excessively burdensome government controls on religious practice.

(12) The parliamentary elections of October 15, 2000, and the presidential election of September 9, 2001, were determined to be fundamentally unfair and nondemocratic.

(13) The Government of Belarus has made no substantive progress in addressing criteria established by the OSCE in 2000, ending repression and the climate of fear, permitting a functioning independent media, ensuring transparency of the elections process, and strengthening of the functions of parliament.

SEC. 3. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL SOCIETY IN BELARUS.

(a) PURPOSES OF ASSISTANCE.—The assistance under this section shall be available for the following purposes:

(1) To assist the people of the Republic of Belarus in regaining their freedom and to enable them to join the European community of democracies.

(2) To encourage free and fair presidential, parliamentary, and local elections in Belarus, conducted in a manner consistent with internationally accepted standards and under the supervision of internationally recognized observers.

(3) To assist in restoring and strengthening institutions of democratic governance in Belarus.

(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purposes of subsection (a), the President is authorized to furnish assistance and other support for the activities described in subsection (c), to be provided primarily for indigenous Belarusian groups that are committed to the support of democratic processes.

(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include—

(1) the observation of elections and the promotion of free and fair electoral processes;

(2) development of democratic political parties;

(3) radio and television broadcasting to and within Belarus;

(4) the development of nongovernmental organizations promoting democracy and supporting human rights;

(5) the development of independent media working within Belarus and from locations outside the country and supported by nonstate-controlled printing facilities;

(6) international exchanges and advanced professional training programs for leaders and members of the democratic forces in skill areas central to the development of civil society; and

(7) other activities consistent with the purposes of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.— There are authorized to be appropriated to the President to carry out this section such sums as may be necessary for each of the fiscal years 2005 and 2006.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 4. RADIO BROADCASTING TO BELARUS.

(a) PURPOSE.—It is the purpose of this section to authorize increased support for United States Government and surrogate radio broadcasting to the Republic of Belarus that will facilitate the unhindered dissemination of information.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as are otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary for fiscal year 2005 and each subsequent fiscal year for radio broadcasting to the people of Belarus in languages spoken in Belarus.

SEC. 5. SENSE OF CONGRESS RELATING TO SANCTIONS AGAINST BELARUS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the sanctions described in subsection (c) should apply with respect to the Republic of Belarus until the President determines and certifies to the appropriate congressional committees that the Government of Belarus has made significant progress in meeting the conditions described in subsection (b).

(b) CONDITIONS.—The conditions referred to in subsection (a) are the following:

(1) The release of individuals in Belarus who have been jailed based on political or religious beliefs.

(2) The withdrawal of politically motivated legal charges against all opposition figures and independent journalists in Belarus.

(3) A full accounting of the disappearances of opposition leaders and journalists in Belarus, including Victor Gonchar, Anatoly Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky, and the prosecution of those individuals who are responsible for their disappearances.

(4) The cessation of all forms of harassment and repression against the independent media, independent trade unions, nongovernmental organizations, religious organizations (including their leadership and members), and the political opposition in Belarus.

(5) The implementation of free and fair presidential and parliamentary elections in Belarus consistent with OSCE commitments.

(c) PROHIBITION ON LOANS AND INVESTMENT.—

(1) UNITED STATES GOVERNMENT FINANCING.—No loan, credit guarantee, insurance, financing, or other similar financial assistance should be extended by any agency of the United States Government (including the Export-Import Bank and the Overseas Private Investment Corporation) to the Government of Belarus, except with respect to the provision of humanitarian goods and agricultural or medical products.

(2) TRADE AND DEVELOPMENT AGENCY.—No funds available to the Trade and Development Agency should be available for activities of the Agency in or for Belarus.

(d) MULTILATERAL FINANCIAL ASSISTANCE.—It is further the sense of Congress that, in addition to the application of the sanctions described in subsection (c) to the Republic of Belarus (until the President determines and certifies to the appropriate congressional committees that the Government of Belarus has made significant progress in meeting the conditions described in subsection (b)), the Secretary of the Treasury should instruct the United States Executive Director of each international financial institution to which the United States is a member to use the voice and vote of the United States to oppose any extension by those institutions of any financial assistance (including any technical assistance or grant) of any kind to the Government of Belarus, except for loans and assistance that serve humanitarian needs.

SEC. 6. MULTILATERAL COOPERATION.

It is the sense of Congress that the President should continue to seek to coordinate with other countries, particularly European countries, a comprehensive, multilateral strategy to further the purposes of this Act, including, as appropriate, encouraging other countries to take measures with respect to the Republic of Belarus that are similar to measures described in this Act.

SEC. 7. REPORT.

(a) REPORT.— Not later than 90 days after the date of the enactment of this Act, and not later than 1 year thereafter, the President shall transmit to the appropriate congressional committees a report that describes, with respect to the preceding 12-month period, and to the extent practicable the following:

(1) The sale or delivery of weapons or weapons-related technologies from the Republic of Belarus to any country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has repeatedly provided support for acts of international terrorism.

(2) An identification of each country described in paragraph (1) and a detailed description of the weapons or weapons-related technologies involved in the sale.

(3) An identification of the goods, services, credits, or other consideration received by Belarus in exchange for the weapons or weapons-related technologies.

(4) The personal assets and wealth of Aleksandr Lukashenka and other senior leadership of the Government of Belarus.

(b) FORM.—A report transmitted pursuant to subsection (a) shall be in unclassified form but may contain a classified annex.

SEC. 8. DECLARATION OF POLICY.

Congress hereby—

(1) calls upon the Lukashenka regime to cease its persecution of political opponents or independent journalists and to release those individuals who have been imprisoned for opposing his regime or for exercising their right to freedom of speech;

(2) expresses its grave concern about the disappearance of Victor Gonchar, Anatoly Krasovsky, Yuri Zakharenko, and Dmitry Zavadsky and calls upon the Lukashenka regime to cooperate fully with the Belrussian civil initiatve ''We Remember'' and to extend to this organization all necessary information to find out the truth about the disappearances;

(3) calls upon the the Lukashenka regime to cooperate fully with the Parliamentary Assembly of the Council of Europe (PACE) and its specially appointed representatives in matters regarding the resolution of the cases of the disappeared; and

(4) commends the democratic opposition in Belarus for their commitment to participate in October 2004 Parliamentary elections as a unified coalition and for their courage in the face of the repression of the Lukashenka regime in Belarus.

SEC. 9. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) OSCE.—The term ''OSCE'' means the Organization for Security and Cooperation in Europe.

(3) SENIOR LEADERSHIP OF THE GOVERNMENT OF BELARUS.—The term ''senior leadership of the Government of Belarus'' includes—

(A) the President, Prime Minister, Deputy Prime Ministers, government ministers, Chairmen of State Committees, and members of the Presidential Administration of Belarus;

(B) any official of the Government of Belarus who is personally and substantially involved in the suppression of freedom in Belarus, including judges and prosecutors; and

(C) any other individual determined by the Secretary of State (or the Secretary's designee) to be personally and substantially involved in the formulation or execution of the policies of the Lukashenka regime that are in contradiction of internationally recognized human rights standards.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Florida (Mr. WEXLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 854.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 854 and would like to commend the gentleman from New Jersey (Mr. SMITH) for his tireless efforts in support of democracy worldwide, and in this case in Belarus.

Belarus is perhaps the last country in Europe to embrace democracy. In just 2 weeks that nation will hold important elections for parliament in what will be a litmus test for President Lukashenko's commitment to democracy and the direction he intends to take Belarus in the future. I regret that the political situation there at the moment does not look very promising.

In June, the House overwhelmingly passed H. Res. 624, introduced by our former colleague Doug Bereuter, which emphasizes that if Belarus is ever to become more integrated into the Western community of nations, it must work towards the establishment of a genuinely democratic political system in which the freedom of association and assembly are guaranteed, where political candidates from the opposition will be free from political harassment and intimidation as they campaign for office, and in which the media are free to act independently, free from government control or intimidation, where there exists a system in which elections and the electoral process are open, transparent and fair.

For all of these reasons, it was important that the Congress emphatically express our strong support for free, fair and transparent elections and more definitive progress towards establishing a functioning democracy in Belarus.

The bill we have before us today provides a mechanism by which we can influence that progress. H.R. 854 would authorize assistance for democracy promotion, for building strong democratic institutions, radio broadcasting, and the development of an independent media. But we know how the current government feels about these matters, and we anticipate a lack of cooperation. So the bill also provides a series of sanctions which could be implemented if certain conditions in Belarus are not adequately addressed or resolved.

I would also note that in Europe, the situation in Belarus is of equal concern. The OSCE, the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe have all expressed deep concerns over Belarus and its elections.

H.R. 854 rather precisely explains the concerns and recommendations of the United States Congress, and I urge adoption of this important bill.

Mr. Speaker, I reserve the balance of my time.

Mr. WEXLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this bill.

Mr. Speaker, first I would like to commend my friend and colleague from New Jersey (Mr. SMITH) for being a stalwart supporter of democracy in Belarus and for his willingness to offer this legislation.

Just a few months ago, this House passed an important resolution on the

upcoming parliamentary elections in Belarus. This resolution, authored by our former colleague Doug Bereuter and myself, called upon the Government of Belarus to ensure that these important elections be conducted in a free and fair manner. Regrettably, since then, the political situation in Belarus has deteriorated, not improved.

The dictatorial regime of Aleksandr Lukashenka continues to cling to power, using brutal force, intimidation, and illegal maneuvering to secure his reign. If Lukashenka succeeds, as he did in 1996 when he amended the constitution in a seriously flawed referendum, and as he did in 2001 when he extended his term in office through an election that was neither free nor fair, and as he did in 2003 when he similarly stole local elections, the United States Government must have a clear and effective strategy to promote human rights and democracy in Belarus.

Our legislation directs the President to focus our assistance on core democracy programs in Belarus, namely, promotion of free elections, support for civil society, strengthening of democratic political parties, and support for independent media and international exchanges. Lukashenka's regime must understand that we will not forget the cause of human rights and democracy in Belarus, and that the United States and Belarus will not have a fully normal relationship until Belarus moves assertively towards a democratic form of government.

Belarus is strategically located in Eastern Europe, bordering Poland and Lithuania, both members of NATO and the European Union, and Ukraine and Russia. We cannot afford to give up on the cause of democracy and freedom in Belarus.

The Lukashenka regime is one of the most notorious human rights abusers in the world, routinely suppressing the rights of Belarusian citizens. The regime has been implicated in the political murders of its opponents, disappearances of opposition leaders, repression of independent media, harassment of NGOs, and other egregious violations of internationally recognized and accepted democratic norms.

Lukashenka bears full responsibility for these abuses, as nothing in Belarus happens without his knowledge or full acquiescence. The United States, the European Union, member states of the Organization for Security and Cooperation in Europe, and international human rights NGOs have all called upon the Lukashenka dictatorship to end its human rights abuses and restore democracy to Belarus.

Although the anti-Lukashenka forces in Belarus have boycotted previous elections, the opposition is participating in the upcoming elections and has united into a coalition of five democratic parties that will campaign as a block.

Although this coalition faces an uphill battle, we should nevertheless commend the leaders and members of this coalition for their courage and determination to bring democracy to Belarus and provide them our unqualified support.

In the congressional tradition of setting policy that has been instrumental in defeating dictatorships in Europe, Asia, and Africa, this legislation will promote democracy, human rights, and the rule of law and consolidate the independence and sovereignty of Belarus.

I strongly support passage of this bill and urge my colleagues to do so as well.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend my colleague, the gentleman from New Jersey (Mr. SMITH), the sponsor of this bill, who works tirelessly to promote democracy over in Europe; and I am sorry he is not here to speak on this bill.

Mr. SMITH of New Jersey. Mr. Speaker, I rise to urge passage of H.R. 854, the Belarus Democracy Act. With important parliamentary elections in Belarus scheduled for October 17, it is essential that we pass the Belarus Democracy Act. This Congress must demonstrate its strong support for pro-democracy forces in Belarus and advance U.S. interests in the region. Now is the time to send a strong signal.

Since his election in 1995, Belarusian dictator Alexander Lukashenka has steadily undermined democratic institutions through a series of unfair elections and a seriously flawed constitutional referendum. The U.S. State Department, Helsinki Commission which I Chair, as well as the OSCE, the OSCE Parliamentary Assembly, the United Nations, the Council of Europe, the European Union and other international entities have all chronicled the appalling state of human rights and democracy there. Located in the heart of Europe, Belarus is juxtaposed to our NATO allies and will soon border the European Union.

The Lukashenka regime has repeatedly violated basic freedoms of speech, expression, assembly, association and religion. Since I introduced the Belarus Democracy Act last year, the situation in Belarus has only become more difficult.

Just within the last few months, the independent media, non-governmental organizations (NGOs), independent trade unions, religious groups, and democratic opposition leaders have faced increased harassment, arrest, detentions, and even violence. Opposition leaders have been imprisoned and beaten. NGOs have been closed down with increasing frequency. Independent media outlets continue to feel the wrath of the powers-that-be, including closures, defamation lawsuits, exorbitant fines, confiscations of newspapers or the suspension of their distribution, censorship and the deportation of an independent journalist from Ukraine who had lived in Belarus since 1990. Independent trade unions are subject to a pattern of obstruction, harassment and intimidation by the authorities.

In short, the situation in Belarus continues its downward spiral with daily reports of growing repression and human rights violations.

Here in Washington and at various OSCE Parliamentary Assembly meetings, I've had occasion to meet with the wives of the disappeared. The cases of their husbands—Yuri Zakharenka, Victor Gonchar, Anatoly Krasovsky, and journalist Dmitri Zavadsky who disappeared in 1999 and 2000 and are presumed to have been murdered—are a stark illustration of the climate of fear that pervades in Belarus. I am pleased that just last week the United States, together with the European Union, has decided to restrict admission to four top Belarusian officials implicated in these politically motivated disappearances. Reports of arms and weapons deals between the Belarusian regime and rogue states continue to circulate. Lukashenka and his regime were open in their support of Saddam Hussein. On August 24, the Treasury Department charged that Infobank of Belarus has been involved with money laundering involving fraudulent transactions pertaining to Iraq, where funds laundered by Saddam Hussein's regime were derived from schemes to circumvent the UN Oil-for-Food program.

PROVISIONS OF BDA

Mr. Speaker, the main purpose of the BDA is to demonstrate U.S. support for those struggling to promote democracy and respect for human rights in Belarus despite the onerous pressures they face from the anti-democratic regime. This bill authorizes necessary assistance for democracy-building activities such as support for NGOs, independent media—including radio and television broadcasting to Belarus—and international exchanges.

The bill also encourages free and fair parliamentary elections, conducted in a manner consistent with international standards—in sharp contrast to the 2000 parliamentary and 2001 presidential elections in Belarus which flaunted democratic standards. As a result of those elections, Belarus has the distinction of lacking legitimate presidential and parliamentary leadership, which contributes to its self-imposed isolation. Parliamentary elections now have an added dimension, with Lukashenka's September 7 announcement of a referendum to take place on the same day, that would pave the way to extend his rule beyond 2006, when his tenure is due to expire, to potentially join the ranks of ''presidents for life'' like President Niyazov in Turkmenistan and others in Central Asia.

As matters stand now, the deck appears to be stacked in Lukashenka's favor, as the Belarusian Government has almost total control of the electoral process. Opposition parties have been allocated a negligible percentage of seats on district and precinct election commissions, and many candidates proposed by Belarusian democratic opposition parties have been denied registration. To their credit, the embattled opposition and non-governmental organizations have not given up. I have met with the leaders of the Belarusian opposition and have been impressed with their determination to participate in the coming elections and their courageous work to advance democracy, human rights and the rule of law, despite all of the obstacles placed in their way by the Lukashenka regime.

In addition, this bill includes ''sense of Congress'' language that would impose sanctions against the Lukashenka regime. U.S. Government financing would be prohibited, except for

humanitarian goods and agricultural or medical products. The U.S. Executive Directors of the international financial institutions would be encouraged to vote against financial assistance to the Government of Belarus except for loans and assistance that serve humanitarian needs. This bill also requires reports from the President concerning the sale or delivery of weapons or weapons-related technologies from Belarus to rogue states and on the personal assets and wealth of Lukashenka and other senior leadership in Belarus.

I hope that the Belarus Democracy Act will help support those who desire a genuinely independent, democratic Belarus and serve as a catalyst to facilitate Belarus' integration into democratic Europe. The measure is designed to be a counterweight to the pattern of clear, gross and uncorrected human rights violations by the Lukashenka regime. The Belarusian people—who have suffered so much both under past and present dictatorships—deserve to live in a society where democratic principles and human rights are respected. We must stand firmly on the side of those who long for freedom.

Mr. PALLONE. Mr. Speaker, I rise today to express my support for H.R. 854, the Belarus Democracy Act of 2003. This important piece of legislation will take significant steps toward the democratization of Belarus and offer support for those living in the country and seeking a democratic process in fundamental areas such as elections, media and human rights. If passed, this bill will ensure that a fair and free electoral process will exist in the former Soviet state. In addition, this bill will work toward the development of a media that is non-state controlled and independent. Furthermore, this bill will establish training programs and methods of international exchange for the individuals that will advance the development of a democratic and civil society.

By placing specific economic sanctions on Belarus, the United States will send a clear message that major democratic reforms must take place in order for the country to become an independent state that is integrated into Europe. I am in full support of H.R. 854, and I urge my fellow colleagues to vote in favor of this vital piece of legislation, which will go very far in assisting the democratization process in Belarus.

Mr. HYDE. Mr. Speaker, I submit for the RECORD an exchange of letters concerning the bill H.R. 854 between the Chairman of the Committee on International Relations and the Chairman of the Committee on the Judiciary.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, July 13, 2004.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 854, the ''Belarus Democracy Act of 2003,'' which was referred primarily to the Committee on International Relations and additionally to the Committees on the Judiciary and Financial Services. This Committee ordered the bill reported favorably on February 25, 2004.

I concur that the referral to the Committee on the Judiciary was based on §5(c), a sense of Congress provision that the President should use his powers under the Immigration and Nationality Act to deny entry to the United States to the senior leadership of the Government of Belarus. The manager's amendment which the Committee will call up does not include §5(c) or any other provisions that fall within the Rule X jurisdiction of the Committee on the Judiciary.

I appreciate your willingness to waive further consideration of the bill in the Committee on the Judiciary so that the bill may proceed expeditiously to the floor. I concur, that in taking this action, your Committee's jurisdiction over the bill is in no way diminished or altered. I will, as you request, include this exchange of letters in the CONGRESSIONAL RECORD during consideration of the legislation on the House floor.

I appreciate your cooperation in this matter.

Sincerely,

HENRY J. HYDE,
Chairman.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 13, 2004.

Hon. HENRY HYDE,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR CHAIRMAN HYDE: I am writing regarding H.R. 854, the ''Belarus Democracy Act of 2003'' which was referred primarily to the Committee on International Relations and additionally to the Committees on the Judiciary and Financial Services. The Committee on International Relations ordered the bill reported favorably on February 25, 2004, but as of this time has not filed a report.

The referral to the Committee on the Judiciary was based on §5(c), a sense of Congress provision that the President should use his powers under the Immigration and Nationality Act to deny entry to the United States to the senior leadership of the Government of Belarus. I understand that you have indicated your willingness to take the bill to the floor under suspension of the rules with a manager's amendment that does not include §5(c) or any other provisions that fall within the Rule X jurisdiction of the Committee on the Judiciary.

Based on your willingness to follow this course, I am willing to waive further consideration of the bill in the Committee on the Judiciary so that the bill may proceed expeditiously to the floor. The Committee on the Judiciary takes this action with the understanding that the Committee's jurisdiction over the bill is in no way diminished or altered. I would appreciate your including this letter and your response in the CONGRESSIONAL RECORD during consideration of the legislation on the House floor.

I appreciate your cooperation in this matter.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 854, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1945

COMMENDING PEOPLE AND GOVERNMENT OF GREECE FOR SUCCESSFUL COMPLETION OF 2004 SUMMER OLYMPIC GAMES

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 774) commending the people and Government of Greece for the successful completion of the 2004 Summer Olympic Games.

The Clerk read as follows:

H. RES. 774

Whereas in August 2004, the Summer Olympic Games returned to Greece, their ancient birthplace and the land of the Acropolis, Homer, and Plato, reminding all of the origin of democracy;

Whereas the people and Government of Greece, through extraordinary diligence, energy, and imagination, hosted a successful 2004 Summer Olympic Games in Athens;

Whereas Greece demonstrated an extraordinary ability to accommodate more than 10,000 athletes from 202 countries, along with hundreds of thousands of spectators, foreign dignitaries, and journalists, and did so efficiently, securely, and with hospitality;

Whereas the 2004 Summer Olympic Games hosted by Greece proudly displayed the ideals of the Olympic movement, promoting mutual understanding, friendship, and peace among nations through noble athletic competition;

Whereas close cooperation between Greece and the United States on several aspects of the Olympic Games, including security, was consistent with the longtime friendship and alliance between two nations that have stood side by side in defense of a shared commitment to freedom and democracy for more than 100 years;

Whereas Greece provided the world with the unique experience of seeing the Olympics framed by ancient wonders such as the Parthenon on the Acropolis and the stadium in Olympia;

Whereas Greece displayed its modern achievements through extraordinary Olympic venues, world-class infrastructure, and breathtaking and high-tech opening and closing ceremonies; and

Whereas following completion of the games, United States Olympic Committee Chairman Peter Ueberroth stated that ''history will record these Games as among the greatest, if not the greatest, of all time'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the people of Greece for the successful completion of the 2004 Summer Olympic Games; and

(2) agrees with United States Olympic Committee Chairman Peter Ueberroth that ''history will record these Games as among the greatest, if not the greatest of all time''.

The SPEAKER pro tempore (Mr. MURPHY). Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Florida (Mr. WEXLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend

their remarks and include extraneous material on H. Res. 774, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I might consume.

I rise in strong support of H. Res. 774 commending the people and government of Greece for the successful completion of the 2004 Summer Olympic Games, and I want to commend our colleagues, the gentleman from Massachusetts (Mr. MEEHAN), the gentleman from Florida (Mr. BILIRAKIS), and the gentlewoman from New York (Mrs. MALONEY) for introducing this legislation.

For 17 glorious days this summer, with the spectacular setting of the ancient Parthenon and Acropolis as background, the Nation of Greece hosted the world to what has been referred to by some as one of the greatest games of all times.

As we followed the progress of the preparations, we realized it surely was not easy to accomplish. The costs were high, and the tensions associated with providing security for 10,000 athletes and hundreds of thousands of visitors and spectators placed great pressure on the government of Greece. But in the end, the world-class venues and infrastructure provided, the breathtaking opening and closing ceremonies and, of course, the competition itself afforded the world an unparalleled look at the energy, diligence, hospitality and imagination of the people of Greece.

All of Greece has a right to be proud of what was accomplished this summer. This resolution reaffirms that recognition.

I urge adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. WEXLER. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, I would first like to commend our colleague, the gentleman from Massachusetts (Mr. MEEHAN), for introducing this important resolution.

The 2004 Olympic Games in Athens recently unfolded before the eyes of hundreds of millions of people around the world, some watching in person, but many more on television. It is fair to say, Mr. Speaker, that the Athens games were an unqualified success.

Despite fears of terrorism or that key Olympic venues would not be ready, Athens was more than prepared to receive tens of thousands of athletes and officials from around the world, and the Olympic spirit thrived as athletes lived out their dreams.

These were truly historic games. The Summer Olympic Games returned to Greece, their ancient birthplace, for the first time. The games brought together people from all over the world; 202 countries participated in the Athens Olympics, including athletes from Afghanistan and Iraq.

The Greek people and the government of Greece, through extraordinary diligence, energy and enthusiasm, hosted over 10,000 athletes with efficiency and security. The Greek officials developed transportation infrastructure to ensure that athletes and spectators could easily get to all Olympic venues and practice facilities.

The United States and the government of Greece cooperated closely on several aspects of the Olympic games, including security. This cooperation solidified the long-standing alliance and friendship between our two Nations which stand side-by-side in defense of a shared commitment to freedom and democracy.

The 2004 Olympics in Greece showed us the best combination of a modern, world-class infrastructure and high-tech innovation, framed by the ancient wonders of Greece, the birthplace of Western culture and democracy.

Mr. Speaker, I want to join the sponsors of this resolution in agreeing with the United States Committee Chairman Peter Ueberroth that ''history will record these Games as among the greatest, if not the greatest, of all time.''

I strongly support this resolution and urge its unanimous passage.

Mrs. MALONEY. Mr. Speaker, I rise today in strong support of H. Res. 774, commending the people of Greece for hosting a successful and safe Olympics.

As co-chair of the Congressional Caucus on Hellenic Issues, it is my great honor to recognize Greece for its recent achievements.

I am very fortunate and privileged to represent Astoria, Queens—one of the largest and most vibrant communities of Greek Americans in this country.

I never had any doubts that Greece would be an excellent host for the 2004 Olympic Games, truly one of the greatest ever to be held.

For three weeks in August, the people of Greece welcomed the world to participate in an event which allows countries to set aside their political differences for a brief time to come together in the spirit of peace and sportsmanship.

Thousands of athletes from around the world returned to the birthplace of the Olympics to determine the fastest, the strongest, the best in each competition.

From the swimming pool to the volleyball courts to the track and field arena, moments of perseverance and victory will be etched in our memories forever.

As gracious hosts, the people of Greece showed the visiting delegations its beautiful historic and natural treasures, ensuring that they would remember their time in Greece for more than only their events.

We heard much talk in the months leading up to the Games that the Greeks would not be ready.

But they proved everyone wrong.

The venues were completed and were the sites of some of the most exciting Olympic competitions ever.

The opening and closing ceremonies were unbelievable.

The volunteers were phenomenal, and the transportation was efficient.

And most importantly, the outstanding security preparations taken in advance of the Games resulted in the safety of both the athletes and visitors.

The 2004 Games have set an example for how future host cities will prepare for this magnificent event.

The dollars and time spent on security were well worth the investment.

I am tremendously proud of Greece for what it has accomplished.

I an hopeful that its economy will benefit from the Games for years to come.

I am confident that millions of tourists are planning vacations as we speak to Greece so that they can see for themselves the ancient ruins and its gorgeous coastline.

And so that they can meet for themselves Greece's greatest treasure . . . its people.

I would like to thank my good friend Representative MEEHAN for introducing this resolution, and I urge my colleagues to support it.

Mr. MEEHAN. Mr. Speaker, I thank the distinguished Chairman and Ranking Member of the International Relations Committee for bringing this resolution to the floor.

I rise today in strong support of H. Res. 774, to pay tribute to the people and Government of Greece for hosting an unforgettable 2004 Summer Olympic Games.

This summer, the Olympic Games returned to their ancient birthplace. The people of Greece proudly displayed the ideals of the Olympic movement, promoting mutual understanding, friendship, and peace among nations through noble athletic competition.

Greece overcame daunting security challenges and safely accommodated more than 10,000 athletes from 202 countries, along with hundreds of thousands of spectators, foreign dignitaries, and journalists.

These visitors and the Olympics' television viewers worldwide experienced the games much as they must have been played originally, framed by ancient wonders such as the Parthenon on the Acropolis and the stadium in Olympia.

Greece also displayed its modern achievements such as extraordinary Olympic venues and breathtakingly high-tech opening and closing ceremonies.

In the words of United States Olympic Committee Chairman Peter Ueberroth, ''history will record these Games as among the greatest, if not the greatest, of all time.''

The United States and Greece have long enjoyed a deep friendship that grew from a shared commitment to freedom and democracy more than 100 years ago.

We were proud to work in close cooperation with Greece this year to ensure the safety and success of this summer's games.

I therefore join in commending the people of Greece for hosting an extraordinary 2004 Summer Olympic Games, and urge the House to pass this resolution. Zeto Ellas!

Mr. BILIRAKIS. Mr. Speaker, I rise today to express my highest praise and congratulations for the magnificent way Greece hosted the 2004 Summer Olympics. I strongly support H. Res. 774, a resolution which commends the people and government of Greece for the superb Olympic Games held this summer in Athens.

The task of hosting the modern Olympic Games is filled with honor, but also presents

a colossal challenge. With dedication, commitment to hard work, and inspirational leadership, Greece met the challenge while proudly showcasing the ideals of the Olympics and promoting friendship and peace among nations.

As the host to the biggest sporting event in the world, Athens rose magnificently to the challenge and demonstrated the pride and honor that comes with such an occasion. The leadership shown by the government of Greece, and more specifically, the Prime Minister of Greece, Costas Karamanlis, inspired Athens to a great celebration of commitment, dedication, and human endeavor. The mayor of Athens, Dora Bakoyianni, was responsible for presenting the Olympics not only as a modern sporting occasion, but also as an ancient tradition with superb new modern facilities surrounded by historic and architectural wonder.

The Olympic Games left behind not only a memory of great athletic competition, but a legacy of peace, nobility, and honor that should be at the forefront of all international occasions. The Athens Olympic Organizing Committee, under the direction of Gianna Dasklaki-Angelopoulos, presented such a colossal event which surpassed all expectations. She and her staff succeeded in showcasing all that Athens has to offer, old and new, as the birthplace of the Olympics and a frontrunner in modern development. With Athens being the birthplace of the modern Olympics games and containing so many beautiful ancient monuments, there could not have been a more perfect setting for a truly wonderful celebration of athleticism.

The citizens and government of Greece put on a show that made Hellenes from around the world proud. As a Greek-American, I am most proud. I commend Greece for ensuring that the 2004 Summer Olympic Games would not be forgotten. I encourage my colleagues to support H. Res. 774.

Mr. WEXLER. Mr. Speaker, I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 774.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS REGARDING OPPRESSION BY CHINA OF FALUN GONG IN UNITED STATES AND CHINA

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 304) expressing the sense of Congress regarding oppression by the Government of the People's Republic of China of Falun Gong in the United States and in China.

The Clerk read as follows:

H. CON. RES. 304

Whereas Falun Gong is a peaceful spiritual movement that originated in the People's Republic of China but has grown in popularity worldwide and is now accepted and practiced by thousands in the United States;

Whereas demonstrations by Falun Gong practitioners in the People's Republic of China and the United States have been peaceful, meditative sessions;

Whereas the Constitution of the People's Republic of China provides to the citizens of that country freedom of speech, assembly, association, and religious belief;

Whereas members of the Falun Gong spiritual movement, members of Chinese pro-democracy groups, and advocates of human rights reform in the People's Republic of China have been harassed, libeled, imprisoned, and beaten for demonstrating peacefully inside that country;

Whereas the Chinese Government has also attempted to silence the Falun Gong movement and Chinese prodemocracy groups inside the United States;

Whereas on June 12, 2003, 38 Members of Congress filed an Amended Brief of Amicus Curiae in support of the Falun Gong at the United States District Court, Northeastern District of Illinois, Eastern Division;

Whereas Chinese consular officials have pressured local elected officials in the United States to refuse or withdraw support for the Falun Gong spiritual group;

Whereas Dr. Charles Lee, a United States citizen, has reportedly been mentally and physically tortured since being detained by Chinese authorities in early 2003;

Whereas the apartment of Ms. Gail Rachlin, the Falun Gong spokeswoman in the United States, has been broken into 5 times by agents of the Chinese regime since the regime banned Falun Gong in 1999 in China;

Whereas over the past 5 years China's diplomatic corps has been actively involved in harassing and persecuting Falun Gong practitioners in the United States;

Whereas on June 23, 2003, Falun Gong practitioners were attacked outside a Chinese restaurant in New York City by local United States-based individuals with reported ties to the Chinese Government;

Whereas 5 Falun Gong practitioners were assaulted outside of the Chinese Consulate in Chicago on September 7, 2001, while exercising their constitutionally protected rights to free speech, leading to battery convictions in Cook County Criminal Court of Jiming Zheng on November 13, 2002, and Yujun Weng on December 5, 2002, both assailants being members of a Chinese-American organization in Chicago, the Mid-USA Fujian Township Association, which maintains close ties with the Chinese Consulate;

Whereas individuals that physically harassed Falun Gong practitioners in San Francisco on October 22, 2000, were later seen at anti-Falun Gong meetings and the Chinese Consulate in San Francisco;

Whereas San Francisco City Supervisor Chris Daly, after receiving complaints that Chinese officials were intimidating his constituents, authored a resolution condemning human rights violations and persecution of Falun Gong members by the Chinese Government;

Whereas Mr. Daly and the other members of the San Francisco City Council subsequently received a letter from the Chinese Consul General in San Francisco, claiming that Falun Gong was an ''evil cult'' that was undermining the ''normal social order'' in the People's Republic of China, and that Mr. Daly's resolution should therefore be rejected, which it subsequently was;

Whereas in November 2000, the former Mayor of Saratoga, California, Stan Bogosian, issued a proclamation honoring the contributions of Falun Gong practitioners to the Saratoga community, which prompted the Chinese Consulate in San Francisco to write to Mr. Bogosian urging him to retract his support for local Falun Gong activities;

Whereas many local and national media organizations have reported that other local officials across the United States, including the mayors of several major cities, have been pressured by Chinese consular officials to recant statements of support for the Falun Gong;

Whereas journalists have cited fear of hurting trade relationships as the motivation for some local United States officials to recant their support for Falun Gong after receiving pressure from Chinese consular officials; and

Whereas the Constitution of the United States guarantees freedom of religion, the right to assemble, and the right to speak freely, and the people of the United States strongly value protecting the ability of all people to live without fear and in accordance with their personal beliefs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the Government of the People's Republic of China should—

(A) immediately stop interfering in the exercise of religious and political freedoms within the United States, such as the right to practice Falun Gong, that are guaranteed by the United States Constitution;

(B) cease using the diplomatic missions in the United States to spread falsehoods about the nature of Falun Gong;

(C) release from detention all prisoners of conscience, including practitioners of Falun Gong, who have been incarcerated in violation of their rights as expressed in the Constitution of the People's Republic of China;

(D) immediately end the harassment, detention, physical abuse, and imprisonment of individuals who are exercising their legitimate rights to freedom of religion, including the practices of Falun Gong, freedom of expression, and freedom of association as stated in the Constitution of the People's Republic of China; and

(E) demonstrate its willingness to abide by international standards of freedom of belief, expression, and association by ceasing to restrict those freedoms in the People's Republic of China;

(2) the President should, in accordance with section 401(a)(1)(B) of the International Religious Freedom Act of 1998 (22 U.S.C. 6401(a)(1)(B)), and with the intention of dissuading the Chinese Government from attempting to stifle religious freedom in the People's Republic of China and the United States, take action such as—

(A) issuing an official public demarche, a formal protest, to the Chinese Foreign Ministry in response to the repeated violations by the Chinese Government of basic human rights protected in international covenants to which the People's Republic of China is a signatory; and

(B) working more closely with Chinese human rights activists to identify Chinese authorities who have been personally responsible for acts of violence and persecution in the People's Republic of China;

(3) the Attorney General should investigate reports that Chinese consular officials in the United States have committed illegal acts while attempting to intimidate or inappropriately influence Falun Gong practitioners or local elected officials, and, in consultation with the Secretary of State, determine an appropriate legal response; and

(4) officials of local governments in the United States should—

(A) in accordance with local statutes and procedures, recognize and support organizations and individuals that share the goals of all or part of the local community, including Falun Gong practitioners; and

(B) report incidents of pressure or harassment by agents of the People's Republic of China to Members of Congress, the Attorney General, and the Secretary of State.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentlewoman from California (Ms. LEE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 304, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I would like to commend my colleagues, the gentlewoman from California (Ms. WOOLSEY) and the gentlewoman from California (Ms. LEE), for their dedication and support of this resolution. I would also like to thank the gentleman from Illinois (Chairman HYDE), as well as the gentleman from California (Mr. LANTOS), our ranking member, and our entire leadership for bringing this resolution to the floor today.

I rise today to call attention to the horrific specter of the repression imposed upon a peaceful spiritual movement, the Falun Gong, by the largest authoritarian regime in the world today, the Communist regime in China.

On July 22, 1999, a date which will live in the annals of human rights violations as a day of infamy, the Beijing authorities declared the Falun Gong illegal, branding it a so-called ''evil cult.'' This immediately prompted mass arrests, torture and reported deaths of Falun Gong practitioners in official custody, which continues unabated to this present day.

These Falun Gong practitioners still in Chinese custody include at least one American citizen, Dr. Charles Lee. Members of Congress have repeatedly called for his immediate release, and we renew that call here today.

This chamber has repeatedly condemned the Chinese regime's abhorrent violations of human rights and the violations of freedom of belief and conscience of the Falun Gong. We have done so by rendering our overwhelming support to bipartisan resolutions that I have introduced with my colleague, the gentlewoman from California (Ms. WOOLSEY), and numerous others.

However, H. Con. Res. 304 is different. This resolution before us today is addressing something even more ominous. With over 70 cosponsors, this resolution focuses on reports and investigations on the use of fear, intimidation and oppression, often connected with violence, right here within the borders of our own country, within the United States.

Falun Gong practitioners, while peacefully and nonviolently exercising their constitutional rights to free speech and assembly, have been intimidated from California to New York by agents of the Chinese regime. They have, as we have outlined in this resolution, been physically harassed on the streets of San Francisco, assaulted on the streets of Chicago outside of the Chinese consulate and attacked on the streets of New York by individuals with reported ties to the Chinese regime.

Let those listening to this debate, including representatives of any foreign governments having strategies for suppressing free speech in this country, remember one thing: This is the United States of America, the cradle of freedom and democracy. We will not sit idly by as you infringe upon the rights of our citizens and residents who practice Falun Gong. Any interference in the exercise of free speech inside our land will result in the expulsion of those who engage in such actions.

In the land of the free, all voices will be heard. In the home of the brave, a hundred or more flowers will bloom, including the Falun Gong's spiritual movement.

I ask my colleagues to send a clear message to the Chinese regime and to immediately and unconditionally stop its deplorable treatment of the Falun Gong spiritual movement, both inside China and specifically here in the United States.

I ask for a ''yes'' vote on H. Con. Res. 304.

Mr. Speaker, I reserve the balance of my time.

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume.

I strongly support this resolution. It is a very important resolution, and I urge my colleagues to do so as well.

Mr. Speaker, 5 years ago, the Chinese government launched a very brutal crackdown of the Falun Gong spiritual movement throughout China. Tens of thousands of Falun Gong practitioners were brutally beaten, thrown in jail and tortured.

□ 2000

Over 800 Falun Gong practitioners have been killed and tens of thousands remain locked up in Chinese prisons, in psychiatric institutions, and reformed through labor camps. The ongoing Chinese suppression of the Falun Gong is one of the greatest human rights abuses of our time and will, undoubtedly, be marked as one of the darkest periods in modern Chinese history.

Congress has repeatedly spoken out against the repression of Falun Gong practitioners in China. The resolution before us today, however, focuses the spotlight on a new element of the Chinese Government's anti-Falun Gong campaign, the attempt to quash any support for Falun Gong in the United States.

Over the past 5 years, Chinese diplomats in the United States have engaged in a campaign of intimidation and pressure against Falun Gong practitioners here in the United States and those who advocate on their behalf. Apparently not satisfied with the brutal suppression of Falun Gong adherence in China, China has decided to export these repressive policies to the United States.

As the resolution notes, local officials in the United States have been pressured to vote against resolutions condemning the persecution of Falun Gong. Practitioners of Falun Gong in the United States have also been harassed and physically assaulted by individuals associated with Chinese diplomatic missions. Media organizations attempting to fairly cover the treatment of Falun Gong have been pressured by Chinese officials, particularly if their papers ran editorials critical of the Chinese Government.

Mr. Speaker, the Chinese Government's heavy-handed tactics against Falun Gong in the United States will backfire. As Americans see firsthand the extremes to which the Chinese Government will go to stop Falun Gong, sympathy for the plight of Falun Gong practitioners everywhere is sure to grow. Mr. Speaker, this resolution puts the Congress firmly on record against such pressure tactics, and I strongly support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. WOOLSEY), whose leadership on this issue is to be commended and who has worked in a bipartisan fashion with the gentlewoman from Florida to bring this resolution to the floor.

Ms. WOOLSEY. Mr. Speaker, I rise in strong support of H. Con. Res. 304, a resolution that condemns the harassment of Falun Gong practitioners in China and here in the United States. I first want to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN), with whom I coauthored and introduced this important resolution in October of last year. I also want to thank the House leadership for allowing this important legislation to come to the House floor, and the gentlewoman from California (Ms. LEE) for yielding me this time.

Finally, I want to thank the loyal and dedicated Falun Gong practitioners who have diligently stopped by my offices over the last 2 years. It has been my pleasure to work with them on this issue.

Mr. Speaker, in April of 1999, 10,000 Falun Gong practitioners staged a peaceful demonstration in front of the Communist Party headquarters near Tiananmen Square. They protested China's oppressive regime. Of course,

we are all familiar with the events that took place in Tiananmen Square in 1989, when thousands of individuals protesting the Chinese regime were brutally beaten and many killed, but China's abuses of Falun Gong practitioners both in China and here in the United States have not received the same attention.

China's rulers have condemned Falun Gong since the 1999 protest, calling this peaceful spiritual movement an evil cult, and embarking on an official campaign to eradicate the movement. China has imprisoned, tortured, and even murdered hundreds of people simply because they peacefully practice Falun Gong. Included among those who have been jailed and tortured are American citizens of Chinese descent.

Charles Lee, a California native, is one such victim. In the year 2003, he traveled to China to visit his extended family. Immediately upon stepping off the airplane, Charles Lee was arrested by Chinese officials. Despite the United States State Department appeals for his release, he has been jailed and tortured in a Chinese prison since his abduction.

Other American Falun Gong practitioners have been assaulted, robbed, and harassed right here in America. Miss Gail Rachlin, the Falun Gong spokeswoman in the United States, has had her New York apartment broken into not once, not twice, but five times over in the last 5 years; and it appears the break-ins have been by Chinese agents.

China's diplomats to the United States too have been actively involved in harassing and persecuting Falun Gong practitioners here in the United States. When San Francisco City Supervisor Chris Daly heard some of his constituents had been harassed by Chinese officials, he authored a resolution for the San Francisco Board condemning the persecution of Falun Gong members by the Chinese Government. In response, the Chinese Consul General in San Francisco sent Mr. Daly a harshly worded letter, claiming that Falun Gong undermines the normal social order in China and should be condemned.

The same experience has been repeated time and time again in dozens of cities across the country. A local official introduces a resolution in support of Falun Gong, and in response the Chinese consulate in the U.S. condemns that resolution as well as the local official who sponsored it.

Mr. Speaker, that is why H. Con. Res. 304 expresses the sense of Congress that the Government of the People's Republic of China immediately stop interfering in the exercise of religious and political freedoms within the United States, including the right to practice Falun Gong. This resolution also states that China immediately cease its harassment, detention, and torture of any individual exercising his or her legitimate rights to freedom of religion, freedom of expression, and freedom of association, as affirmed by the Constitution of the People's Republic of China.

The right to practice the religion or spiritual movement of one's choice is ingrained in the very fabric of the United States Constitution. That is why it is counter to what we stand for in our country that Chinese officials have persecuted Falun Gong practitioners and harassed local American officials right here in our country.

I urge all of my colleagues to support this important resolution. Send a strong message to China that we demand the proper treatment of both Americans and Chinese individuals who practice the Falun Gong spiritual movement.

Mr. SMITH of New Jersey. Mr. Speaker, I rise to urge passage of H. Con. Res. 304, expressing the sense of Congress that the Government of the People's Republic of China should cease its persecution of Falun Gong practitioners in the United States and in China. Ms. ROS-LEHTINEN, I commend you for introducing this legislation and for speaking out against human rights abuses throughout the world.

Members of Congress need to be aware of the brutal suppression of human rights and religious freedoms being carried out by the People's Republic of China. From forced abortion and labor camps, to the imprisonment and sometimes even execution of brave Chinese who dare to stand up for their faith or political beliefs, Hu Jintao's regime, like that of Jiang Zemin before, is one of the worst violators of human rights in the world.

While Christians, Tibetan Buddhists, and Muslim Uighurs are all being persecuted for the faith, the suffering of peaceful Falun Gong practitioners has been especially intense. In 1999, China's dictators launched a brutal campaign to completely eradicate Falun Gong from their country through whatever means necessary, claiming that Falun Gong was a threat to ''social order'' in China. The reason behind this campaign of brutality is clear: by the mid to late 1990s, the number of Falun Gong practitioners began to exceed the number of members of the Communist Party. Like all dictators and totalitarian terror systems, the PRC fears and hates what it cannot control. So it sought to destroy and intimidate those who practice Falun Gong. I would also note that the regime has labeled as ''cults'' and is now oppressing other groups with followings comparable to that of the Falun Gong, such as the Xiang Gong, Guo Gong, and Zhong Gong qigong groups.

Falun Gong is not a religion, per se, but rather more like a philosophy. Based on the principles of Truthfulness, Compassion, and Tolerance, Falun Gong uses a series of five physical and mental exercises to assist its members to purify themselves spiritually and peacefully resolve conflicts. Whatever one may say about the merits of their beliefs, the evidence is very clear that Falun Gong practitioners are peaceful individuals who want to be left alone to practice their beliefs as they see fit.

To carry out the task of smashing those who practice Falun Gong, the Beijing dictatorship created ''610'' offices throughout China to oversee and direct the persecution of Falun Gong through brainwashing, torture, and murder.

The State Department Human Rights Report for 2003 has several pages documenting the plight of the Falun Gong. We know at least 250 Falun Gong members have died as a result of torture thus far. For instance, in only a three-month period from June to August last year, more than 50 Falun Gong died in custody, many from torture in detention camps. Other estimates place the total body count higher. Bodies of the tortured victims are often cremated immediately to conceal evidence of torture. The report indicated that Falun Gong adherents sent to mental health institutions have been administered psychiatric drugs and electric shock treatments by Chinese authorities.

Several thousand Falun Gong practitioners—estimated at 125,000 or higher—are held in labor camps, prisons, and mental hospitals, where they are forced to endure torture brainwashing sessions. For example, in December 2003, Liu Chengjun, sentenced to 19 years in prison in March 2002 for involvement in illegal Falun Gong television broadcasts, was reportedly beaten to death by police in Jilin City Prison.

The government continues to find new ways to crack down on Falun Gong. Over the past year, the Government initiated a comprehensive effort to round up practitioners not already in custody and sanctioned the use of high-pressure tactics and mandatory anti-Falun Gong study sessions to force practitioners to renounce Falun Gong. Even practitioners who had not protested or made other public demonstrations of belief reportedly were forced to attend anti-Falun Gong classes or were sent directly to reeducation-through-labor camps, where in some cases, beatings and torture reportedly were used to force them to recant. These tactics reportedly resulted in large number of practitioners signing pledges to renounce the movement.

At the National People's Congress session in March, Premier Wen Jiabao's Government Work Report emphasized that the Government would ''expand and deepen its battle against cults,'' including Falun Gong. Thousands of individuals were still undergoing criminal, administrative, and extrajudicial punishment for engaging in Falun Gong practices, admitting that they adhered to the teachings of Falun Gong, or refusing to criticize the organization or its founder.

During April to June 2003, the Government launched fresh accusations that Falun Gong practitioners were disrupting SARS-prevention efforts. State-run media claimed that, beginning in April, Falun Gong followers ''incited public panic'' and otherwise ''sabotaged'' anti-SARS efforts in many provinces by preaching that belief in Falun Gong will prevent persons from contracting SARS. Authorities detained hundreds of Falun Gong adherents on such charges, including 69 in Jiangsu Province during May and 180 in Hebei Province during June.

But Beijing is not confining its disgusting torture and brainwashing campaign to its own people. Chinese-American citizens and permanent residents are also victims. One American citizen, Dr. Charles Li, was arrested January 22, 2003 in China upon his arrival at an airport. A Falun Gong practitioner, the Chinese government alleges he attempted to sabotage television and radio equipment, even though he had just arrived in the country. Dr. Li has gone on continual hunger strikes to protest his

arrest but been subject to forced feedings. There are reports that he is being subjected to brainwashing and anti-Falun Gong propaganda. At least 37 other Falun Gong practitioners who have family members that are residing in the U.S. are also in prison in China. Authorities also detained foreign Falun Gong practitioners from other countries. For example, in January 2003, two Australian citizens were deported for engaging in Falun Gong activities in Sichuan Province.

As my colleagues know, a sizeable number of Falun Gong practitioners reside here in the United States. They attempt to raise awareness about the horrors their fellow believers are subject to through meeting with government officials and through holding peaceful protests. Just this past August, Falun Gong members gathered on the Mall to pass out literature and inform Americans of the great suffering those in their faith are enduring. When Hu Jintao and other state leaders responsible for this purge are visiting foreign countries, Falun Gong members travel overseas to protest and raise awareness of the brutal persecution.

In response, China's persecution against the Falun Gong has moved outside of China's own borders. Large numbers of Falun Gong in the United States have reported to have been harassed. The FBI is currently investigating beatings of Falun Gong practitioners in Atlanta and Chicago. On June 23, 2003, Falun Gong practitioners in New York were harassed and physically violated by Chinese nationals associated with the consulate. Charges have been filed with the authorities. Li Li and some of her friends were involved with this incident.

Persecution of Falun Gong in China is horrific enough itself. The fact that China is now exporting its repression to weaker foreign nations under the guise of ''safety'' and ''public order'' is even worse. The cancer of China's repression is spreading all over the world. The PRC is not content to beat and torture and silence those inside its own borders. Now it is seeking to bully other nations into doing its bidding. When will this country wake up and stand up to this kind of nonsense?

I call upon all members of this body to support H. Con. Res. 304. I call on the administration to step up its efforts to speak up for the Falun Gong and out against the actions of the Chinese government immediately.

Mr. HOYER. Mr. Speaker, the U.S. State Department's 2004 International Religious Freedom report for China begins as follows: ''During the period covered by this report, the Government's respect for freedom of religion and freedom of conscience remained poor, especially for many unregistered religious groups and spiritual movements such as the Falun Gong.''

According to the report, the arrest, detention, and imprisonment of Falun Gong practitioners continued, and practitioners who refuse to recant their beliefs are sometimes subjected to harsh treatment in prisons and reeducation-through-labor camps and there have been credible reports of deaths due to torture and abuse.

Foreign observers estimate that half of the 250,000 officially recorded inmates in the country's reeducation-through-labor camps are Falun Gong adherents.

Falun Gong blends aspects of Taoism, Buddhism, and the meditation techniques and physical exercises of qigong (a traditional Chinese exercise discipline) with the teachings of Falun Gong leader Li Hongzhi. Despite its spiritual content, Falun Gong does not consider itself a religion and has no clergy or places of worship.

Mr. Speaker, this resolution calls upon the government of China to immediately end the harassment, detention, physical abuse, and imprisonment of individuals who are exercising their legitimate rights to freedom of religion, freedom of expression, and freedom of association as stated in the Constitution of the People's Republic of China.

The importance of this cannot be overstated—the protection of religious freedom is intimately connected to the protection of other fundamental human and civil rights, as well as to the growth of democracy.

A government that acknowledges and protects freedom of religion and conscience is one that understands the inherent and inviolable dignity of the human person, and is more likely to protect, the other rights fundamental to human dignity, such as freedom from arbitrary arrest or seizure, or freedom from torture and murder.

Mr. Speaker, this resolution sends an important message to the government of China that we will not look the other way when they violate the basic rights of their people, and that we demand of our partners in the international community the protection of the most basic human rights—freedom to worship freely.

Mr. PALLONE. Mr. Speaker, I would like to express my support for H. Con. Res. 304, a resolution honoring the tradition and practice of Falun Gong. As a cosponsor of this resolution, I urge my colleagues to vote yes on this important piece of legislation.

H. Con. Res. 304 calls on the Chinese Government to stop interfering with the religious and political rights of individuals in the United States to practice Falun Gong. The Chinese Government has gone so far as to spread falsehoods about Falun Gong and to harass, detain, abuse and imprison Falun Gong practitioners. The practitioners are simply exercising their legitimate right to freedom of religion and expression, and the actions of the Chinese Government conflict with international standards of freedom and human rights and must end immediately.

I have an admiration for the practitioners and adherents of Falun Gong and I am invested in the movement both in the United States and abroad. I remain committed to the task of making Falun Gong safe to practice in any country in the world. The members of Falun Gong are opposed by a Chinese government that unjustly views them as dissenters. This view is entirely without merit. In reality, Falun Gong is an inherently peaceful, apolitical movement that stresses nonviolence and meditation. Since Falun Gong was outlawed in 1999, hundreds of nonviolent practitioners have been arrested, tortured, libeled, and detained without charge or proof of any wrongdoing.

Sadly, the unwarranted and unprovoked aggression against Falun Gong has not ceased, nor is it limited to China. There have been unprovoked attacks in the United States and Falun Gong members have been subjected to a humiliating and denigrating blacklist.

One incident that I found particularly offensive took place in June 2003. Falun Gong members were attacked and beaten while holding a nonviolent protest in New York City. In an effort to end the discrimination that confronts Falun Gong practitioners, I wrote a letter to the Manhattan District Attorney, Robert Morgenthau, requesting an investigation of this case. I hope that justice prevails in this case.

With passage of H. Con. Res. 304, we can send a strong signal condemning China's human rights abuses and we can take one step closer to ensuring Falun Gong members the freedom of religion and assembly guaranteed to them by law.

Ms. LEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURPHY). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 304.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS REGARDING HUMANITARIAN ASSISTANCE TO COUNTRIES OF CARIBBEAN DEVASTATED BY HURRICANES CHARLEY, FRANCES, IVAN, AND JEANNE

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 496) expressing the sense of Congress with regard to providing humanitarian assistance to countries of the Caribbean devastated by Hurricanes Charley, Frances, Ivan, and Jeanne, as amended.

The Clerk read as follows:

H. CON. RES. 496

Whereas in May 2004, the National Oceanic and Atmospheric Association (NOAA) predicted that 2004 would be an above-normal Atlantic hurricane season;

Whereas from August to September 2004 Hurricanes Charley, Frances, Ivan, and Jeanne devastated countries of the Caribbean and the southern, midwestern, and eastern regions of the United States;

Whereas the people of the United States, who have encountered the harsh consequences of the recent hurricanes, can empathize with the countries of the Caribbean as they begin the recovery process;

Whereas Hurricane Frances displaced 800 people and destroyed 80 homes in the Bahamas;

Whereas Hurricane Frances caused an estimated $125,000,000 in damage to the islands of the Bahamas;

Whereas four hurricanes have struck the region within five weeks;

Whereas 90 percent of homes in Grenada sustained significant damage as a result of Hurricane Ivan;

Whereas the International Committee of the Red Cross estimates that 60,000 of the 95,000 inhabitants of Grenada were made homeless as a result of the devastation;

Whereas Hurricane Ivan is the worst natural disaster to hit Jamaica in 50 years;

Whereas an estimated 13,000 Jamaicans were displaced during Hurricane Ivan;

Whereas more than 60 people died and hundreds were injured as a result of Hurricanes Charley, Frances, and Ivan;

Whereas as a result of Hurricane Jeanne, at least 2,000 people have died in Haiti while it is estimated that another 1,000 people are currently missing;

Whereas many others have died in the Dominican Republic and Puerto Rico due to Hurricane Jeanne;

Whereas the United States Agency for International Development reports that there is flooding in more than 80 percent of Gonaives, Haiti, and more than 30 percent of Port-de-Paix, Haiti;

Whereas hurricane recovery assistance is being sought from the Caribbean-American community, the European Union, and Canada;

Whereas the financial burden of providing emergency and reconstruction assistance to the devastated countries is much greater than the Caribbean region can sustain by itself;

Whereas the cost of providing humanitarian emergency assistance to the countries of the Caribbean continues to increase with each natural disaster;

Whereas the cost of assisting Grenada, Jamaica, the Bahamas, the Dominican Republic, Haiti, and other island nations with reconstruction after the hurricane season of 2004 could exceed $250,000,000;

Whereas in addition to disaster relief, governments of the countries of the Caribbean are under pressure to secure their communities and prevent looters and other criminals from causing further harm to their citizens who are struggling to recover from the devastation caused by the hurricanes;

Whereas the United States Agency for International Development's Office of United States Foreign Disaster Assistance (OFDA) is coordinating with the Caribbean Disaster Emergency Response Agency (CDERA) and members of the Eastern Caribbean Donor Group (ECDG), including the Pan American Health Organization (PAHO), International Federation of Red Cross and Red Crescent Societies (IFRC), the United Nations Development Program (UNDP), and the Canadian International Development Agency (CIDA) to provide urgently needed food, potable water, temporary shelter, and other basic necessities;

Whereas multilateral development banks, such as the World Bank and the Inter-American Development Bank, and other international organizations, such as the United Nations and the Organization of American States, have joined the United States in providing urgently needed assistance to the countries of the Caribbean that have suffered the most from the effects of the hurricanes;

Whereas the damage caused by the hurricanes have demonstrated that proper building and housing codes that are consistently enforced significantly reduce the human and financial toll caused by natural disasters;

Whereas the Caribbean region is recognized as the third border of the United States and the economic turmoil caused by the hurricanes of August and September 2004 will have an effect on the United States; and

Whereas the countries of the Caribbean will need significant assistance from the international community for both relief and reconstruction efforts: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) commends the governments of the countries of the Caribbean for their efforts to respond and assist the people of the region after the devastation caused by Hurricanes Charley, Frances, Ivan, and Jeanne from August to September 2004;

(2) commends the efforts of the Caribbean-American community to provide relief to family and friends suffering in the region;

(3) supports the efforts of the United States Government to assist in coordinating international efforts to help the people of the region, particularly in Grenada, Jamaica, Haiti, and the Bahamas, with assessing damage and providing relief to affected communities;

(4) urges the international community to take all necessary steps to provide emergency relief and support reconstruction efforts; and

(5) urges the President, acting through the Administrator of the United States Agency for International Development to—

(A) continue to make available to private volunteer organizations, United Nations agencies, and regional institutions the necessary funding to mitigate the effects of the recent natural disasters that have devastated the countries of the Caribbean; and

(B) provide assistance for the promulgation and enforcement of housing and building codes in the countries of the Caribbean.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentlewoman from California (Ms. LEE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Con. Res. 496, the concurrent resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of House Concurrent Resolution 496, expressing the sense of Congress with regard to providing humanitarian assistance to the countries of the Caribbean devastated by Hurricanes Charley, Frances, Ivan, and Jeanne.

As a Member whose home State of Florida has experienced firsthand the fury of these hurricanes, my heart goes out to our neighbors in the Caribbean as they begin to rebuild their lives amidst the debris. Thus, at a time when hundreds of thousands of people across the Caribbean are coping with the destruction left by these four recent hurricanes, this resolution could not be more timely.

Mr. Speaker, I want to congratulate the gentlewoman from California (Ms. LEE) for introducing this measure, and I would like to thank our Subcommittee on the Western Hemisphere chairman, the gentleman from North Carolina (Mr. BALLENGER), as well as the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS), and our leadership for their efforts in helping to bring this resolution to the floor this evening.

Mr. Speaker, in August and September of this year, Hurricanes Charley, Frances, Ivan, and Jeanne swept over the Caribbean, battering the islands of Grenada, the Bahamas, Jamaica, the Caymans, Haiti, the Dominican Republic, Cuba, and other smaller islands. In their wake, they left nearly 2,000 dead, many thousands more injured and hundreds of thousands homeless. The cost in lost homes and property has yet to be tallied, but in many of these places the destruction has been near total.

While the humanitarian response has been immediate, a long-term recovery plan is needed to prevent further suffering. I would like to commend the administration for immediately dispatching to the Caribbean emergency relief teams from USAID and the Office of Foreign Disaster Assistance. Through their efforts, humanitarian relief supplies have been reaching the affected areas and the many who are now suffering. As we speak, the Bush administration is preparing a recovery package which will likely be included in an emergency supplemental appropriations bill that is expected on the floor at a future date.

But this is only the beginning. As with the recovery and the reconstruction of our own communities in those States ravaged or affected by these hurricanes, the full magnitude of the situation and the total need will not become clear for weeks to come. However, our friends and neighbors in the Caribbean need our help now. It is, therefore, my hope that this resolution will pass the House, as I believe it serves as an official call to action to help relieve the suffering caused by these recent hurricanes. Therefore, I urge my colleagues to vote in favor of this important resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume.

I want to begin by thanking the gentlewoman from Florida, also our ranking member, the gentleman from California (Mr. LANTOS), the gentleman from Illinois (Mr. HYDE), along with my colleagues on this side of the aisle and on the other side of the aisle, including the gentleman from North Carolina (Mr. BALLENGER), for their support and for their commitment to make sure that this important resolution moves off of this floor tonight.

I also want to thank our staff, Paul Oostburg, Ted Brennan, Caleb McCarry, also Khalil Munir and Jamila Thompson of my staff, who all worked very, very hard, very diligently, and very quickly to craft this bill before us today.

Mr. Speaker, this is a bipartisan resolution; and it is a very minor, very small resolution in terms of the enormity of the disaster that it is addressing, but it is a resolution that expresses the need for humanitarian assistance to hurricane-ravaged Caribbean countries. H. Con. Res. 496 acknowledges the hardship endured by all Caribbean islands, it recognizes the

international response to the tragedy, and it outlines the need for relief and reconstruction efforts throughout the affected areas.

Americans, all of us, especially Floridians and Californians, know firsthand the suffering experienced by natural disasters: hurricanes, fires, tornadoes and earthquakes. For weeks, we have watched the devastation throughout the region in Grenada, the Bahamas, Jamaica, Haiti, St. Vincent, St. Lucia, and Barbados, just to mention a few of the affected countries.

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Four hurricanes struck within 5 weeks. Over 440,000 individuals were displaced. This is hard to even imagine.

Mr. Speaker, we need to step up and lend a helping hand. We cannot sit back and wait as people suffer in Florida and in the Caribbean. I understand that the administration has proposed $50 million in emergency spending for relief to the region, and I must say that that is a good, small, very small, step for a start. But we know that much more will be needed to help the entire region.

In Grenada, the hardest hit island by Hurricane Ivan, the land is barren. Countless homes are destroyed, and schools will not open until 2005. What is going to happen to the young people of Grenada who need and want to go to school? The Grenadian Ambassador, the Honorable Dennis Antoine, shared with me the devastation to his country. Ivan the Terrible caused, he said, ''The total destruction of the police headquarters, the official residence of both the governor general and the prime minister, parliament house, schools, churches, roads, bridges, one of two hospitals, the airport tower and the national stadium. More than 70 percent of the population is virtually homeless, and there is in excess of 60,000 persons needing relief.''

Stories were similar in the Bahamas where all 29 of the inhabited islands felt the impact of Hurricane Frances. A few weeks later, Hurricane Jeanne assaulted Grand Bahama and Abaco where the flood waters were just receding. In Jamaica, the largest English-speaking Caribbean country, 18,000 people were displaced by Hurricane Ivan. Many other Caribbean countries affected by the storms have remained so focused on assisting their neighbors that they have not even had the chance to fully assess their own damage. However, the preliminary estimates for damages in St. Vincent and the Grenadines, a country that sustained lesser harm, is more than their government's annual budget.

For the Bahamas and Grenada, the damage cost total is more than $1 billion, but we must remember that more than 15 islands throughout the region were affected. Throughout the Caribbean, primary crops, such as bananas, nutmeg, cocoa and sugar are just totally destroyed. Clearly, Caribbean economies are simply overwhelmed. There is a Haitian saying that an empty sack cannot stand up. More than 2,000 Haitians lost their lives. Hundreds remain missing. My heart breaks for those suffering and struggling. The Haitian people are resilient people, but we must help.

Tropical Storm Jeanne was not even a category 1 hurricane when it demolished the Haitian towns of Gonaives and Port de Paix. It exemplifies how even the smallest natural disasters wreak havoc on the poorest people. In Haiti's flood-torn cities, children sleep on tin roofs because flood waters have still not subsided. Gunshots are heard in darkness as thieves and thugs continue to steal from the people and cheat them of their chance for protection and peace. Men and women dig mass graves, scrambling to identify the bodies of lost loved ones. And the government cannot even provide security to distribute emergency supplies.

We need to join the efforts of the international community and show support for all the affected countries. The Caribbean-American community and neighboring Caribbean nations responded to the calls of assisting the hardest hit countries immediately. Across our borders, churches, nonprofit organizations, businesses and activists have rushed to support the entire region. Although the United States Agency for International Development assisted in some relief efforts, the United States Government can, we must, do more. We must work with other donors and Caribbean countries to plan and support the relief and reconstruction effort.

Our third border is in great need and the United States needs to show our support for the entire region. Again, I want to thank my colleagues for supporting this effort. Again, this is a very good first start. I look forward to working with our appropriators, including our colleague from Detroit, Michigan (Ms. KILPATRICK), who has been a tremendous advocate for the region, in order to obtain adequate emergency funding for the more than 15 Caribbean countries devastated by these hurricanes. Time is of the essence, Mr. Speaker.

Mr. Speaker, I yield 4 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) who is a leader not only in the Virgin Islands but for the entire Caribbean region who knows firsthand and has experienced firsthand the devastation of natural disasters.

Mrs. CHRISTENSEN. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I am a cosponsor of House Concurrent Resolution 496, and I rise in strong support of the resolution which calls on Congress to support badly and immediately needed humanitarian assistance to the Caribbean countries which were devastated by the recent hurricanes, as we provide aid to the people of Florida; and our hearts go out to them as well.

Mr. Speaker, Hurricanes Charley, Frances, Gaston, Ivan and Tropical Storm Jeanne have caused widespread damage in large numbers of our neighboring Caribbean countries. We have seen the tragedy in Haiti where Hurricane Jeanne resulted in more than 2,000 deaths, many more still missing and over a quarter of a million people homeless. In Grenada, Hurricane Ivan destroyed 78 percent of the island's electrical system and homes as well as hospitals, schools and their spice industry. And Hurricane Frances has caused an estimated $125 million in damage to the islands of the Bahamas. More than 440,000 individuals have been displaced throughout the region.

These storms left a path of destruction across a region that is our third border and which was already stressed and whose economies were already heavily burdened in part by our own homeland security needs. They do not have the capacity to respond. These countries, which include six of the top ten most indebted countries in the world, are in desperate need of our assistance for everything, emergency health services, water, shelter, food and infrastructure.

To put the situation into perspective, the U.N.'s Office For the Coordination of Humanitarian Affairs in an October 1 report pointed out that Grenada, one of the smallest countries in the western hemisphere, bases its economy on tourism and agriculture and imports most of the food that it consumes. The majority of the island's 102,000 inhabitants make their living out of these two vital sectors which were severely hit by Hurricane Ivan. The negative impact of the disaster has been enormous at all levels and in all sectors, disrupting the livelihood of every single Grenadian and causing serious damage to the backbone of the country's economy.

Mr. Speaker, President Bush and the administration have announced they will provide $50 million to assist the region, specifically Haiti, Jamaica and Grenada, with small amounts for the Bahamas, Trinidad and Tobago, and St. Vincent and the Grenadines. That is not enough. Much more will be needed to help the entire region. Because so many of the economies of the countries in the region have been severely damaged because vital income-producing crops were destroyed, and replanting and new seeding processes will not yield salable produce for several years, the members of the Congressional Black Caucus have called for an appropriation of $500 million for reinforcement and alternative economic development.

Mr. Speaker, my district is part of the region. We know the devastation of hurricanes, not only to the physical structures but to the emotions and to the families, and the difficulty of recovery. Even with the strong and resilient spirit of the people of the Caribbean, things are very, very difficult today.

I join my colleagues in urging this body to support the adoption of this

resolution as well as our request for additional funding for the region.

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman from the Virgin Islands for that very powerful statement and for laying out what is at stake and the reality of life during these very tragic times for those in the Caribbean region.

Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. WATERS) whose commitment to the Caribbean is longstanding and unwavering.

Ms. WATERS. Mr. Speaker, I thank the gentlewoman from California for helping to organize us to be able to address this most important issue this evening.

I rise in support of H. Con. Res. 496, a resolution that simply supports humanitarian assistance to countries of the Caribbean devastated by Hurricanes Charley, Frances, Ivan and Jeanne. The recent hurricanes have had devastating impacts on several Caribbean nations. In Grenada, Hurricane Ivan destroyed 90 percent of the homes and 78 percent of the electrical system, as well as numerous government buildings, hospitals, schools and churches. Approximately 60,000 of the island's 95,000 inhabitants were left homeless. In Jamaica, 18,000 people were displaced by Hurricane Ivan, which was the worst natural disaster to hit Jamaica in 50 years. The Bahamas incurred an estimated $125 million in damage as a result of Hurricanes Frances and Jeanne. In Haiti, Hurricane Jeanne caused extensive flooding and left 300,000 people homeless. More than 1,500 Haitians were killed, and another 900 are still missing. Thousands of people are in desperate need of food, clean water, emergency shelter and medical care. Relief efforts continue to be hampered by water and mud covering the main roads, and stagnant waters have given rise to a large mosquito population that could lead to a malaria epidemic.

The nations of the Caribbean are small island nations that do not have the capacity to respond to the widespread death and destruction caused by hurricanes of this magnitude. Immediate assistance from the United States is critical to enable these countries to meet the emergency needs of their people and begin to rebuild damaged homes and infrastructure.

I am thankful that the President did show some concern, and he proposed $50 million in supplemental appropriations to cover disaster relief for the nations of the Caribbean that have been devastated by hurricanes and tropical storms. But it is a very small amount, and it cannot begin to meet the tremendous needs of thousands of Haitians, let alone the needs of our other Caribbean neighbors. The affected countries and territories include Bahamas, Barbados, the Cayman Islands, Dominican Republic, Grenada, Haiti, Jamaica, St. Lucia, Puerto Rico, St. Vincent, the Grenadines, Trinidad, Tobago, the Turks and Caicos, even Venezuela, Cuba, the U.S. Virgin Islands, have all felt the devastation of these hurricanes. So we need a lot more to respond to this terrible devastation.

Even though the President has proposed $50 million in supplemental appropriations, it is a small amount, and it cannot begin to meet the tremendous needs of thousands of Haitians, let alone the needs of all of these other countries. The Congressional Black Caucus is on record now in asking the President for at least $500 million in disaster relief to mount an effective response. Of course, I would urge my colleagues to vote for H. Con. Res. 496. I would also urge my colleagues to provide a supplemental appropriation of at least $500 million in disaster assistance to help our Caribbean neighbors rebuild their homes and their lives after these unprecedented storms. This resolution does not have that amount in it, and we know that we must do the work with the Appropriations Committee, but this is a resolution that would give recognition to this tremendous devastation that has taken place and squarely place us on record in wanting to respond to it.

I am very thankful for the opportunity to share with the gentlewoman from California this concern as we demonstrate through this resolution.

Mr. BALLENGER. Mr. Speaker, I am a cosponsor of H. Con. Res. 496. I fully support helping to relieve the suffering of people in the Caribbean. The news reports of the death and destruction in Haiti, Greneda and elsewhere in the Caribbean is just terrible. We all want to reach out and help our neighbors who are suffering.

USAID's Office of Foreign Disaster Assistance has been on the ground distributing emergency aid since just after these storms hit. The $50 million aid package proposed by the Administration is, by all measures, a good start.

But, it should not be considered an end to U.S. assistance. The current proposal represents what the Administration believes can be spent in the first year. By way of comparison, $52 million was expended during the first year of implementing disaster reconstruction after Hurricane Mitch hit in 1999. I expect to see more aid going to the Caribbean in subsequent years.

Mr. Speaker, while I believe that $50 million is not sufficient to meet the needs of the Caribbean in the long term, I do believe it is enough to meet the immediate needs of those nations hardest hit. To meet the long term needs of these countries, I would support an effort to provide additional reconstruction funds. Although I am retiring, I am willing to work with my colleagues to secure long term assistance for the Caribbean nations before I go. I hope that my colleagues here tonight will join me in this area.

I thank my colleague from California for bringing this important resolution recognizing the terrible suffering inflicted on the Caribbean by the same hurricanes that did so much damage to our own country. I urge my colleagues to support this resolution.

Mrs. JONES of Ohio. Mr. Speaker, I rise in support of H. Con. Res. 496, a bi-partisan effort urging that Congress support humanitarian assistance to Caribbean countries devastated by the recent hurricanes.

Four hurricanes—Charley, Frances, Ivan and Jeanne—hit the region within five weeks. The affected countries and territories include the Bahamas, Barbados, the Cayman Islands, Cuba, the Dominican Republic, Grenada, Haiti, Jamaica, St. Lucia, Puerto Rico, St. Vincent and the Grenadines, Trinidad and Tobago, the Turks and Caicos, Venezuela, and the U.S. Virgin Islands, but the burden is felt by all. More than 440,000 individuals displaced throughout the region.

Tropical Storm Jeanne killed more than 2,000 people in Haiti, and hundreds remain missing. Men and women dig mass graves, scrambling to identify the bodies of lost loved ones. An estimated 300,000 people remain homeless as a result of the floods.

With eight weeks left to the 2004 Atlantic Hurricane season, the Caribbean Disaster Emergency Response Agency (CDERA) is urging the Caribbean to remain vigilant. The call comes against the background of an updated hurricane season forecast yesterday which calls for three more storms and two hurricanes this month with a 33 percent chance of a land falling storm and 17 percent chance of a land falling hurricane.

The Administration announced providing $50 million to assist the region—specifically Haiti, Jamaica, and Grenada with small amounts for the Bahamas, Trinidad and Tobago, and St. Vincent and the Grenadines. this is a good start, but much more will be needed to help the entire region.

Mr. Speaker, I rise to reiterate my support for H. Con. Res. 496 and urge the Administration to provide even more aid to assist the region.

Ms. LEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURPHY). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 496, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

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SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MURPHY). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE JUDGES OF MADISON COUNTY, PART THREE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, tonight is part three on the judges of Madison County, Illinois. As I promised last week, I am back on the floor tonight to talk about a place that has the dubious distinction of being America's number one ''judicial hellhole,'' Madison County, Illinois.

Mr. Speaker, they do not give out awards like the number one ''judicial hellhole'' from the American Tort Reform Association to just anyone. No, sir, only a court that continually misapplies civil laws, regularly violates fundamental constitutional rights of defendants, and caters to the interests of opportunistic trial lawyers can get a recognition like that. Sadly, Mr. Speaker the Circuit Court of Madison County, Illinois, got this distinction the old-fashioned way; they earned it.

Tonight, Mr. Speaker, I want to continue a story I started last week on one of the ways they earned this awful award by trashing someone's first amendment rights. I stood on the floor last week, and I told the Members about the former Attorney General and U.S. Court of Appeals Judge Griffin Bell and his experience with Madison County. I told the Members that, at a public forum in April of this year, Judge Bell said that counties like Madison County are a serious ''stain on our system,'' meaning the judicial system. I also told the Members that Judge Bell called for an investigation into the administration of civil justice in Madison County. I finally told the Members, Mr. Speaker, that the wrath of the ''judicial hellhole'' was felt the very next day when Judge Bell and his firm were barred from appearing in their courtroom. But as Paul Harvey might say, what I did not tell the Members, Mr. Speaker, was the ''rest of the story.''

Hold on to your hat, Mr. Speaker, because, not long after that outrageous act by the Madison County Court, the St. Louis Post-Dispatch reported that a Madison County judge closed his courtroom to report his warning to cover a hearing about a fee dispute between prominent local trial lawyers. See, Mr. Speaker, as it turns out, the hearing was likely to include arguments over the lawyers' share of fees stemming from a very large class-action settlement, and for once, dollar amounts would likely be released regarding the sizable sums of money that these greedy trial lawyers stood to pocket.

So what happened? Well, you guessed it. The Madison County judge simply refused public access to the transcripts and exhibits from that hearing. Yet, once again, free speech lost, and trial lawyers won.

Mr. Speaker, the message from Madison County Circuit Court judges is simple: We have absolutely no respect for the first amendment. Folks speaking out against our brand of civil injustice should expect intimidation and retaliation, and finally, when court is in session, no one is safe unless of course he is of their trial lawyers.

Mr. Speaker, last month, I wrote a letter to U.S. Attorney General Ashcroft asking him to formally investigate the judicial hijinks taking place in Madison County, Illinois. To my surprise, one of the Madison County trial lawyers, a Mr. Randall Bono, took time to ask in a local newspaper, why in the world would someone from Georgia ''have an interest'' in Madison County?

Mr. Speaker, that is pretty easy. When sleazy trial lawyers like Randall Bono retire when they are 42 years old, because they have pocketed millions of dollars through frivolous lawsuits, when a local court decides to hear cases from around the country it has no business hearing, when the local judicial system stops being a public trust and becomes a private trough for greedy trial lawyers like Randall Bono, when these and countless other injustices are allowed to continue anywhere in this great Nation, it is not a local issue, Mr. Speaker; it is a national issue. And this Congressman from Georgia, for one, has had enough.

Mr. Speaker, let me make this loud and clear to trial lawyers like Randall Bono and corrupt judges of Madison County: They may try to hush up, but I am coming after them, and I cannot and I will not be intimidated on these issues.

SMART SECURITY AND DISABLED VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the Bush administration is shamefully neglecting the men and women who serve in the United States Military, even as they return home from a war in Iraq, having lost arms, legs, other parts of their bodies, to suffer forever from other physical or mental disabilities such as post-traumatic stress disorder.

In August of 2003, when I spent some time at Bethesda Naval Hospital where I was recuperating from back surgery, we were faced with and I met with the wounded soldiers because I visited them while I was in the hospital, the wounded, who had come home forever changed by the war in Iraq. Meeting with these soldiers and their families and seeing their injuries gave me a firsthand look at the true horrors of war. I became more committed than ever that our government should cover all the expenses of any injury that results from war. But that is just not happening.

The disability benefits and health care system that currently assists 5 million American servicemen and women has become so overburdened by the addition of over 26,000 wounded soldiers from the wars in Iraq and Afghanistan, is now woefully incapable of providing the benefits and services that were promised before those individuals went to war. Currently, there is a backlog of more than 300,000, and let me say it again, 300,000 service-related claims, and that number is increasing every single day. And since President Bush shamefully relied on thousands of National Guard and Army Reserve soldiers to fight in Iraq, these veterans now deserve veterans benefits, too. It is only appropriate.

Just as President Bush failed utterly in his planning of the Iraq War, he also failed utterly in planning how the Veterans' Administration system would address the hundreds of thousands of soldiers returning from that war. The cowboy mentality of the Bush administration is quite clear: Shoot first, ask questions later, even if asking those questions could have saved lives.

Worst of all, some of our soldiers still are not getting the necessary equipment that can save their lives; the advanced body armor that is capable of stopping bullets from assault rifles; armor for tanks to prevent the destruction of U.S. military convoys; and the water equipment to keep them hydrated in the scorching desert heat. Parents are sending that equipment to their kids, buying it here and sending it to them.

The failure to give this equipment to each and every soldier is particularly shameful considering that, last November, Congress passed legislation to fund the war effort to the tune of $87 billion. That is on top of the $78 billion in supplemental funds that was appropriated in March of 2003. Yet reports show that billions of those dollars are being misused, misappropriated and even stolen in Iraq.

And, now, the President plans to reprogram $3.4 billion of last year's $18.4 billion supplemental, using it for military purposes instead of for Iraq's reconstruction. So, now, we are forced to pilfer money that was supposed to pay for infrastructure needs for the Iraqi people.

How many more soldiers have to have their limbs shot off before this administration will wake up? How many more soldiers have to die for a President's mistake? There has to be a better way. There has to be a better way than this, and we must fully support the thousands of soldiers who sacrifice to serve and protect America.

That is why I have introduced H. Con. Res. 392, a SMART security platform for the 21st Century. SMART stands for Sensible, Multilateral, American Response to Terrorism. SMART security treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships, and it controls the spread of weapons of mass destruction with aggressive diplomacy, strong regional security arrangements and vigorous inspection regimes. SMART security means equipping our troops with the tools that are essential to their survival and then helping them with proper health care once they get home. But the hawkish Bush administration, which quickly led this country

to war, is failing in helping men and women in uniform when they get out of war.

EXCHANGE OF SPECIAL ORDER TIME

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent to take the Special Order time of the gentleman from Oklahoma (Mr. COLE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

STEM CELL RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I come from the Sunshine State of Florida, and I rise tonight to shed a little sunshine, speak out some truth regarding the facts on stem cell research and specifically President Bush's position on stem cell research. And I would like to highlight some of the inaccuracies, misstatements and lack of candor that is coming from presidential candidate JOHN KERRY.

Senator KERRY's statements are notable for their sweeping inaccuracy. And as a physician who has formerly and still does take care of patients suffering from diseases like Alzheimer's and diabetes mellitus, I am very concerned that these statements are creating a false hope on the part of many people who suffer from these conditions. And, further, I am very disturbed by the fact that it appears as though the Senator is trying to exploit their suffering for his own personal political gain.

Senator KERRY has repeatedly stated that he intends to lift the Bush ban on stem cell research. What he does not tell us is that there is no Bush ban on stem cell research. Indeed, just this past year, under the Bush administration, some $300 million has been spent on adult stem cell research, and on embryonic stem cell research, there has been about $35 million spent. The facts are simple, and they are basically this: This body, the Congress of the United States, passed a ban on Federal dollars being used for research that involves the destruction of a human embryo.

□ 2045

Interestingly, Senator KERRY has voted for that, it is in the Labor, Health and Human Services bill, and he has voted for it I understand repeatedly; and that is where the ban is. It is actually in a bill this body passed and that Presidential candidate JOHN KERRY actually voted for. He is now criticizing President Bush for something that he actually voted for.

So what is the truth? What is really going on? Well, this body voted for no funding on any research that involves the destruction of a human embryo. When you do embryonic stem cell research in humans, you have to destroy a human embryo in order to do that research. You have to take stem cells out of that embryo and, in the process of doing that, you destroy it. This is not illegal in the United States. It is perfectly legal to do it. The debate is exclusively over Federal funding of it.

Now, what President Clinton did is he played a very clever game around the intent of the law. He allowed these embryos to be destroyed in outside labs, and then the embryonic stem cells were shipped over to the NIH and he allowed Federal funding to be used for that.

I, along with others, felt that President Clinton was violating the law when he was doing that. And we asked him to stop, and he did not. Ultimately, George Bush came into office, and this was one of the first significant biomedical issues that the Bush administration had to wrestle with, and the decision was made that they would stop doing that. They would essentially stop being complicit in violation of the law and they would comply with the law.

So what is exactly the controversy here, you might say? Stem cell research, embryo stem cell research, what exactly is going on is very, very simple. We have been using adult stem cells, and adult stem cells are stem cells from our own bodies, in treating people with diseases for years and years and years and years.

I have in this chart next to me on my left an example of a person who had bad rheumatoid arthritis, and this is something we call a rheumatoid nodule. They were treated with adult stem cells, and you can see in this photo that nodule clears up, the rheumatoid arthritis goes away.

This is another chart of the same person. It may be a little bit hard to see, but this is before the treatment, the joints were very inflamed and red. You can see a nodule here on the thumb. Then after an adult stem cell treatment, it all clears up.

There are some people who feel that these embryonic stem cells will be better at this kind of treatment, but it has never been done. Nobody has ever taken an embryonic stem cell and treated a human being for anything.

What I believe Senator KERRY wants is he wants Federal dollars to be used for embryonic stem cell research in humans, even though it has never even been successfully done in animals. I think this is the wrong thing to do, and I think Mr. KERRY needs to retract some of these misstatements that he has been making.

GREAT VICTORY FOR FARM LABOR ORGANIZING COMMITTEE IN REACHING LABOR AGREEMENT

The SPEAKER pro tempore (Mr. MURPHY). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I am proud to speak this evening on behalf of the people of our congressional district in Ohio. All Members like to rise when something really significant has happened, and I come from a part of America, northern Ohio, that has always fought for the betterment of the working conditions of people, across our region, across our State, across our country, and indeed across the world.

This past week, and I will place the article in the RECORD, something truly historic has occurred, something that deserves mention in the CONGRESSIONAL RECORD of our Nation, and that is the great victory by the Farm Labor Organizing Committee of Northwest Ohio and its magnificent leader, Baldemar Velasquez, in achieving the first labor agreement on behalf of thousands and thousands of migrant workers across this continent, for the first time giving them the ability to earn a decent wage, to have decent working conditions, and to contract for their labor, to begin to get rid of the corruption that surrounds individuals who move around this continent, exploiting people and forcing them to pay bounty if they want to go back to their nation, forcing them to pay a bounty if they want a job, and then ignore them, ignore their welfare when they are working with no rights at all.

Every year, 9 million people come to the United States of America, most of them illegally, to work in our fields, picking blueberries, cutting cabbage, working in meat plants, working in food processing facilities with absolutely everybody sort of closing their eyes to their welfare, everybody making money off their backs, and yet those workers having no standing.

This past week, through this incredible agreement, the Farm Labor Organizing Committee has finally given the most exploited people on this continent the first platform to stand on. I could not be prouder to represent any group of people than this group.

I can remember as a young college graduate coming back to my community in Ohio and wearing a button that said FLOC, the Farm Labor Organizing Committee, and it had the words ''viva la causa,'' long live the cause. Indeed the cause has finally been victorious across this great continent.

This contract that the workers have gotten will cover over 8,000 workers, dozens of growers, and hopefully begin to ameliorate the terrible conditions forced on workers on this continent because of NAFTA, all that came before it and the worsening conditions that came after, as millions of Mexican farmers were thrown off their land and became a mobile group of people across this continent with no place to live, no decent wages, coming into our market, trafficked by among the most despicable people that have ever lived.

I am just so proud of the Farm Labor Organizing Committee. This is the first

contract for guest workers in our Nation's history, in Mexico's history, and, indeed, in Latin America's history.

What will happen is that workers will receive a decent wage, not terrific for working in the hot sun 12 hours a day, $8.06 an hour, for the backbreaking work they do. It has been covered in articles in the Toledo Blade which reported this front page story: ''Pact to affect 8,000 migrants.''

The pact was signed in North Carolina after a several-year boycott of the second-largest pickling company in our country called Mt. Olive Pickle. It talks about FLOC's 35 years of struggle to provide migrant workers with better working conditions and fair wages. Initially, the contracts were signed locally in our region of Ohio with companies like Campbell's Soup and Vlasic Pickle, but finally it has expanded to other parts of the country where workers will now be paid $8.06 an hour, a federally set minimum wage rate for what are called H2–A workers, the workers that do come into our country. But again I say, so many are illegally trafficked by unscrupulous labor barons they call ''coyotes.'' And workers could earn up to $12 an hour on piecework. So it provides for people who have the ability to work harder to be paid more.

Undocumented workers who are under control of unscrupulous smugglers and farm labor contractors, this provides the ability, finally, to get rid of those terrible, terrible individuals.

Mr. Speaker, I could not be prouder than to come to this floor this evening and congratulate Baldemar Velasquez and the Farm Labor Organizing Committee for building a better world.

Mr. Speaker, I include for the RECORD the article from the Toledo Blade.

PACT TO AFFECT 8,000 MIGRANTS

(By Jon Chavez)

In what would be its first major organizing victory outside Ohio and Michigan, the Toledo-based Farm Labor Organizing Committee today is expected to sign a three-way labor agreement in North Carolina with Mt. Olive Pickle Co. Inc., which has been the subject of a FLOC boycott since 1999.

At a ceremony in Raleigh, N.C., this morning, FLOC officials said they will sign a three-year labor pact with the North Carolina Growers Association, of Vass, N.C., which represents about 1,050 farms that raise 27 different crops ranging from cucumbers to tobacco, and a related agreement with Mt. Olive.

It's a marked change in business in mostly nonunion North Carolina. The contracts will cover the most union workers in the state, and FLOC will be its largest labor organization.

Covered by the agreements will be nearly 8,000 migrant workers who travel from Mexico to North Carolina, numbers that will more than double FLOC's membership rolls.

Baldemar Velasquez, president of FLOC, was ecstatic yesterday. ''I knew eventually they would have to do something. I just never knew the timing would be this soon,'' he told The Blade.

Lynn Williams, a spokesman for Mt. Olive, said the company would not comment until the contract is signed.

How individual farmers feel is unclear. They can choose to opt out of the association, which a party to the contract. But how those growers would be affected is uncertain.

The agreements cover migrants who harvest crops and work with visas issued under a U.S. Department of Labor program called H–2A. The growers association helps place H–2A workers at various farms as needed.

The pacts will provide the workers with specific wage rates for either hourly work or for how much is picked (depending on the crop), a formal procedure to address grievances, and third-party verification to ensure all parties are living up to the agreement.

FLOC was born in the fields of northwest Ohio nearly 35 years ago as a means to provide migrant workers with better working conditions and fair wages. Initially, it reached contracts with individual growers but became a formidable force in the industry when it reached an agreement in 1986 with Campbell Soup Co. and its subsidiary, Vlasic Pickle, and a group of growers to improve wages and working conditions.

The agreements in North Carolina follow a similar arrangement and similarly occurred after years of public boycotts and pressure tactics by the farm union.

In FLOC's agreement with Mt. Olive Pickle, the nation's second-largest pickle firm, the Mount Olive, N.C., company endorses the separate contract between the union and growers association and it provides economic incentives for the deal to occur.

Mr. Velasquez said that about 60 cucumber growers will get a 10 percent price increase for their crops they supply to Mt. Olive. That increase will be passed along in the form of wage increases for the 800 to 1,000 workers who work for those growers.

Those workers are paid $8.06 an hour, a federally set minimum wage rate for H–2A workers. Under the new pact, which raises pay rates, workers could earn up to $12 an hour. ''It depends, but a good picker could earn that,'' Mr. Velasquez said.

Growers do not have to participate in the contract. However, those who remain in the association will be covered by the agreement and receive the crop price increases, said Stan Eury, director of the growers association.

The agreements do not prohibit farmers who are not part of the association from supplying Mt. Olive Pickle. At least a few suppliers now do not belong to the association.

David Rose, a sweet-potato and tobacco farmer from Nashville, N.C., said there have been rumors for months that a farm labor contract was in the works. He declined to say how many farmers might leave the association.

Still, Mr. Rose, of JB Rose Farms Inc., said the labor agreements likely will have an impact on all farmers.

The key provisions of the contracts were not necessarily wages.

Workers frequently complained of abuses by growers but were fearful to report them because they might be blacklisted and later denied a work visa, Mr. Velasquez said. The agreements provide a list of worker rights, including a hiring seniority system that the union will administer through a work office to be set up in Mexico.

''The pact goes from Mexico all the way to Ohio, so that will eliminate debate around blacklisting of workers,'' Mr. Velasquez said. ''They'll be union members by the time they enter the U.S.''

For the growers, there is a formal grievance system and third-party inspections to verify compliance, which should protect the farmers' image if they are treating their workers right, he said.

''The worst part of it for them is the terrible negative image that comes with these issues,'' the Toledo labor leader said. ''They don't like the publicity.''

In a statement, Mr. Eury agreed that credibility is important.

''Unfortunately the lines have been blurred between the treatment of H–2A foreign guest-workers and undocumented workers who are under control of unscrupulous smugglers and farm labor contractors,'' the statement said. ''Our industry is continually judged as a whole by the misdeeds of a few.''

The three parties began negotiating about six weeks ago at the behest of Mt. Olive, Mr. Velasquez said. The first hint became publicly known last month when FLOC said a large growers' association agreed to not meddle in the union's organizing activity.

After reaching agreement on key principles, details of the pact were worked out in about a week, Mr. Velasquez said.

Both Mt. Olive and the growers researched FLOC's previous labor agreements with growers for Campbell and Vlasic.

''They studied it and told us they could live with it,'' Mr. Velasquez said. ''They had also called some growers in Ohio to see how it had worked up there. The growers gave them some positive feedback.''

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

(Mr. SOUDER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

(Mr. STUPAK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

INFLUX OF WOUNDED STRAINS VA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, I rise tonight to talk about a matter that is of very grave importance to the veterans of our country. I am referring to an article that was in The Washington Post this past Sunday. The article mentioned that thousands of U.S. troops are now returning to this country from Iraq and Afghanistan with physical injuries and mental health problems. They are encountering a VA benefit system that is already overburdened, and officials and veterans groups are concerned that the challenge could grow as this Nation remains at war.

Currently, we have had well over 1,000 of our soldiers killed in Iraq, and we have had 6,000 to 7,000 of our soldiers seriously injured. Many of those soldiers have lost limbs, they have been blinded, they have sustained brain injuries and terrible disfigurements. Many of those injuries are occurring as the result of roadside bombs which explode as these soldiers are out on patrol.

The disability benefits and health care system, as noted in The Washington Post article, this system that

provides services for about 5 million American veterans, has been overloaded for decades. We know that. The current backlog consists of more than 300,000 claims. That is 300,000 of our veterans who are waiting to get their claims adjudicated.

Mr. Speaker, because we have mobilized so many of our Reservists and National Guard persons to fight in Iraq and Afghanistan, nearly 150,000 have become eligible for health care and VA benefits as of August 1, and that number is rising. But this is the alarming information that is contained in The Washington Post article.

It says: ''At the same time, President Bush's budget for 2005 calls for cutting of the Department of Veterans Affairs staff that handles benefit claims, and some veterans report long waits for benefits and confusing claims decisions.''

Think of that. At a time when we are at war, when more and more of our soldiers are being terribly injured and are in need of the VA health care system, when claims are backlogged amounting to 300,000, the President sends this Congress a budget that actually calls for cuts in the number of people who are responsible for processing these claims.

The article that I am referring to makes reference to one particular soldier. ''I love the military. That was my life,'' says this soldier, ''but I don't believe they are taking care of me now.''

He is Staff Sergeant Gene Westbrook, 35, of Lawton, Oklahoma. He was paralyzed in a mortar attack near Baghdad this past April, but he has received no disability benefits because they say his paperwork is missing. Now he is trying to support himself, his wife and his three children on his regular military pay of $2,800 a month as he awaits a ruling that could provide him up to $6,500 a month in terms of VA disability benefits.

Mr. Westbrook was deployed to Iraq in January where he served as a drill sergeant. He was sent to train Iraqi Army recruits. While on duty on April 28, south of Sadr City in Baghdad, he was hit by a mortar shell and the shrapnel severed his spine. He is now paralyzed from the chest down. He has limited movement in his right arm and he battles constant infections. His wife takes care of him full time.

Sergeant Westbrook praises the Army for the medical care he has received, but is it not shameful that this veteran would be waiting for benefits, and that we would have a President who would cut the budget for those who are charged with processing these claims?

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The SPEAKER pro tempore (Mr. MURPHY). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

(Mr. MCDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

U.S. FOREIGN POLICY PLAGUED WITH ATTENTION DEFICIT DISORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. RYAN) is recognized for 5 minutes.

Mr. RYAN of Ohio. Mr. Speaker, it has been a very interesting time in the past couple of years. I have come to this floor on many occasions to talk about what is happening in Afghanistan. The truth and the reality I think is becoming more apparent to all of us as American citizens; and as the Presidential debates and the Presidential contest and the election of this year coming up in the next few weeks is coming to a close, this issue is becoming more and more relevant.

I think it is becoming more and more relevant, Mr. Speaker, because it illustrates that the foreign policy of the United States of America has attention deficit disorder.

After 9/11, in which we were attacked by Osama bin Laden, al Qaeda, housed by the Taliban in Afghanistan, an international coalition went to Afghanistan and said to the world that we are together in the fight against terrorism. Unfortunately, several months after that, the United States, pretty much by itself, even though the President said the other night, well, we have Poland with us; well, now Poland is withdrawing its troops and its support from the battle in Iraq.

So we shift our focus from the battle in Afghanistan, and the international coalition that we had, to Iraq. The satellites that were focused on Afghanistan trying to find Osama bin Laden, trying to find exactly what was going on with the drug trade and opium production in Afghanistan, the satellites turned and began to face Iraq. Troops that we had in Afghanistan went to Iraq. Interrogators that we had in Afghanistan went to Iraq. Funding that should have gone to Afghanistan went to Iraq.

Now, the President said several weeks ago that the Taliban is gone, that the Taliban does not exist anymore. That is completely and utterly false. The Taliban is still in existence. They are still fomenting problems in Afghanistan. They are still controlling some of the attacks that are going on in Afghanistan. And the quotes in today's paper were saying, a quote from a high-ranking official in the Taliban, the quote was, we are going to kill anyone who goes and tries to vote in Afghanistan elections, anyone who wants to run for office in Afghanistan, and anyone who would otherwise participate in the elections in Afghanistan. Why? Because Karzai is a puppet to the United States of America.

We have 17,000 troops in Afghanistan. We have 130,000 troops in Iraq. We cannot find Osama bin Laden. And today in the newspapers all over the country, stated from Afghanistan officials who are working with the United States, United States officials, that the trail to Osama bin Laden is cold. Cold. We have nowhere to go, we have nowhere to look; we do not know where he is. We dropped the ball, we outsourced the project to people in Afghanistan instead of giving it to the best, most highly trained, highly skilled units in the world, because we have attention deficit disorder, because we had to go to Iraq, we had to drop $200 billion, and everything this administration said to us before the war has proven not to be true.

We are going to be able to use the oil in Iraq for reconstruction: not true. We have spent $200 billion; the taxpayer has spent funding this debacle in Iraq. We were told we were going to be greeted as liberators. Now we are greeted as occupiers. It has gotten so bad in Iraq, the Italians are now paying $1 million to get hostages back. So the Italians are paying $1 million to the insurgents in Iraq to fund the insurgents against us. It is ridiculous. This has been a debacle from the get-go, and it is time we square things around before we have a narco-state in Afghanistan on our hands.

THE TRUTH ABOUT THE MEDICARE MODERNIZATION ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGREY. Mr. Speaker, it is a pleasure to come before my colleagues

on the House floor this evening to spend an hour with them talking about the new Medicare Prescription Drug part D and Medicare Modernization Act, which was passed in December 2003 in a bipartisan fashion by this body and signed into law by President Bush. But before we get started, I want to spend time going through a lot of the nuances of this bill and make sure that all of my colleagues, and especially, of course, if some seniors and people that are watching this body and paying attention to what we say here on this floor, it will help them better understand, and I think we will have spent a very, very beneficial hour this evening.

Before I get started, I cannot help but think about, this is October 4, the fall of the year, the most beautiful time of the year in many parts of this great Nation of ours, especially in my home State of Georgia and my 11th Congressional District in the northern part of the State. In 27 days will be one of my favorite holidays, and I am sure my colleagues would agree with me that Halloween, Halloween is always one of the most fun times of the year, especially if you have children, as I have. Now they are adults. I also now have precious grandchildren. What an exciting thing to go door to door in your neighborhood, in a safe environment, trick or treating, maybe even scaring people a little bit, scaring other kids with the costumes and the spooks and the goblins; and every now and then, if you do not get a good treat when you knock on somebody's door, some mean old, grumpy adult, you will scare them too.

But what we are seeing today in this body, maybe because it is a Presidential election year, but all of a sudden, Halloween does not seem so funny to me anymore, because what I am seeing from Members of this very body is adults scaring adults. And not just scaring adults, but scaring specific adults, and that is the great senior citizens of this country. In fact, I call these scare tactics, without putting on a costume, it is mainly just rhetoric, I call it Mediscare, Mediscare.

I am sure lots of seniors, I know they have in my district, because I have gone across the 17 counties doing well over 60 town hall meetings now with senior citizens, talking to the seniors about this new program, this good program, this good first step. But they have already been scared. They have been scared by so much of this rhetoric, as an example, that says you are going to lose your Medicare as you know it. They, the Republican majority, the President of the United States, this administration, they are going to take away Medicare as you know it. That is one Mediscare tactic.

Another: this bill is nothing but a giveaway to the pharmaceutical industry; that is all it is. The pharmaceutical industry contributes all of this money to Republican Members of the Congress to buy this bill. In fact, the pharmaceutical industry, they drew up the bill. It is nothing but a giveaway to the pharmaceutical industry.

I am going to refute some of these Mediscare tactics, and on that one I would like to right at the outset say, if that were true, when Medicare was first signed into law by a Democratic President, Lyndon Johnson, in 1965, and we had part A and part B, part A, the hospital part; part B, the doctor part. I never heard anybody say, and I am sure my colleagues never heard anybody saying that part A was nothing but a giveaway to the hospitals, or that part B was nothing but a giveaway to the doctors, because they happen to be the ones who respectively provided that care under part A and part B.

No, they did not call it a giveaway. In fact, the hospitals and the doctors, over the 38 years of the program, and it is a good program, I think it has served us well. I do not think we could get too many of my physician colleagues, and oh, by the way, I think my colleagues know that I am one of seven physician members of this body; not many of my colleagues are saying today Medicare part A or medicare part B, certainly my rural hospitals in the 11th Congressional District of Georgia, they are not saying Congressman, part A medicare has been nothing but a money tree for us, it has been wonderful, part A has been great for rural hospitals. No. They are struggling. Every day they are struggling.

So we hear all of these things and these scare tactics and telling the seniors, even now that we have this interim prescription drug discount program, because it takes a while to get the prescription drug benefit, the insurance part, and it is totally, totally optional, not required; but we will not have that ready until January of 2006. But this President and this Congress and this leadership, this Republican leadership, knew that our seniors needed relief right now. They really do. Some are trying to make these decisions about paying their utility bill or their mortgage payment; and all of a sudden, it is time to refill that prescription and they do not have the money to do it. And they are breaking pills and they are skipping pills. These seniors, those who are on fixed income, those low-income seniors who are in that bind really cannot wait until January 1 of 2006. They need relief right now.

That is what the interim prescription drug discount program is all about. It is a Godsend for them. Yet, here again, Halloween is upon us, really a Presidential election is upon us, just 3 days after Halloween. That is what it is all about. But to scare seniors, especially those needy seniors who, by just signing up for that prescription drug Medicare-approved discount card get a $600 credit each of the 2 years; a $1,200 credit toward the purchase of those much and badly, desperately needed drugs. They are being scared into not signing up, not picking up that telephone and dialing 1–800 Medicare and spending 15 to 20 minutes at most on the phone and getting that card in their hand.

These cards have been available since June 1 of this year. I am very pleased that 1.8 million currently have them of the low-income, needy seniors, and something like 4 million overall. But we need to do better, and the reason we are not doing better is simply because of this Halloween Mediscare mentality of scaring seniors into not participating.

□ 2115

Well, enough of that. We will get back to that maybe a little later in the hour. But let us talk a little bit about the reason that we need to have a prescription drug benefit under Medicare.

Well, it is a 38-year-old program. Medicare as we know it is a 38-year-old program. It is a 20th century health care program with no coverage for prescription drugs, none whatsoever, except certain medications that are actually administered by a physician in a doctor's office intravenously or intramuscularly to treat maybe end stage renal disease and cancer, chemotherapy. Anything else, any time the general practitioner, the family practitioner, the general internist, writes those three or four prescriptions, none of that, that is all out of pocket. And many of our seniors do not have any coverage.

They do not have an insurance program through the VA program or TRICARE or as retirees for let us say a State worker or Federal employee or maybe a generous benefit from a company they have worked for for 35, for 40 years. Many of them do not have that. They have absolutely nothing. So this program is way, way overdue. And so many other Congresses and other presidents, the Democratic majority have made promises to our seniors and talked about delivering, delivering on a promise and failed to do so. And all of the sudden this President has the courage and the wisdom and the insight and the compassion to get a tough bill through this Congress. And now, instead of getting credit for that, these Medicare tactics are trying to discredit him over that. Amazing. In fact, down right appalling.

Another scare tactic is this, and I know we all have heard it. When we debated the bill there was a lot of discussion about this, and some of the seniors organizations were very concerned about, is it possible that when we start offering a prescription drug benefit under Medicare, are many of the conditions that currently have a health retirement benefit for their employees, for their retired employees, that does include prescription drugs, are they going to be encouraged because now this Medicare Prescription Drug Part B is an optional benefit to seniors to just drop these programs?

So that is another one of the scare tactics. Yeah, do not vote for this bill because, if you do, the first thing that is going to happen is your company,

that you worked for 30, 35 years, they are going to drop you like a hot potato, as the expression goes.

Let me point out to my colleagues, and I want to call their attention to this first slide. What this slide shows is that, over the last 12 years, the number of large employers who have been offering health care for their retirees, the number that has actually begun to drop this coverage, even before we passed this bill, has been decreasing over these last 12 years. This first part of the slide shows people who are under 65 and are retired. In 1991, 88 percent of them were covered by health care that included a prescription drug benefit. In 2003, this coverage has dropped to 72 percent.

Now, this is for the people who are under 65. What happens now when they become Medicare eligible at age 65? In 1991, the percentage that were covered by their former employer was 80 percent, less than those under 65 who are not eligible for Medicare yet. And the drop off again is substantial, from 1991 to 2003, down to 61 percent.

The point of this first slide is basically to show that this is already happening, this is already happening. And it is not because of the fact that we now are offering a prescription drug benefit to these seniors who now, if they are dropped by these plans by their former employer, they have nothing. They have no coverage at all. And as part of this new Medicare modernization and prescription drug act, and I do not know exactly what the dollar amount of the estimated cost is, the Congressional Budget Office very clearly said to the Congress, it is going to cost $420 billion over 10 years. We have got another number later on that, was over $500 billion, but a significant amount of that money, something like $75 billion dollars is going to these companies, these large companies, large and small companies, to help them wrap around the Medicare prescription drug benefit so they will continue, they will continue to offer health insurance that includes prescription drugs and actually bend this curve, not make it worse, but maybe stop this normal attrition that is already occurring without the prescription drug benefit and the modernization to Medicare. This is already happening. So we are going to turn that curve around. And I sincerely believe that that will happen.

Remember at the outset when I said about some of the Medicare rhetoric, and the first one I think we mentioned was they, the Republican majority, the President, indeed, they are about to take away Medicare as you know it. And the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), was quoted as saying, ''Well, we certainly hope so,'' and roundly criticized by our colleagues on the other side of the aisle.

What the chairman meant by that was quite simply, Medicare as we know it has been sorely lacking for all these years, no prescription drug benefit, part A and Part B, yes. But all of the sudden we are going to offer something that hopefully keeps seniors out of the hospital, they now have coverage for that, do they not, under Medicare part A, and out of the nursing home also under Medicare part A, but that coverage is not to infinity.

What happens is, when our seniors go into the hospital, there is a significant co-pay, and they use up their days, and then everything is out-of-pocket. They have to go into a skilled nursing home for a very limited number of days per illness, and then, everything after that is out of their pocket. And in many instances, they literally go broke in a nursing home and have to go on Medicaid and lose a lot of pride and a lot of dignity in the process. But even more importantly, as the gentleman from California (Mr. THOMAS), so concisely and clearly indicated, Medicare as we know it needs improvement. And Medicare as we know it, if we do not do something to improve it and we continue to let people get terribly sick with end-stage renal disease or significant coronary blockage, and they end up in the hospital needing bypass surgery or maybe an amputation, and then possibly spend the rest of their lives in a nursing home because their high blood pressure was not treated in a timely fashion and they suffered what we refer to medically as a cerebral vascular accident but what you know as a stroke, yes, they get treated all right in the hospital and in the nursing home until their money runs out. But is that the compassionate thing to do?

That is Medicare as we know it. That is exactly what the gentleman from California (Mr. THOMAS) was talking about when he said, Medicare as we know it needs to go. We need to improve upon it. And that is what we are going to do, and that is what we are doing with this interim drug discount program. And starting in January 1 of 2006, the opportunity for our seniors, the option or choice, it is not required, of course, but hopefully, just as many who signed up back in 1965. It was President Truman himself, former President Truman who voluntarily signed up for Medicare Part B in 1965; and some 95 percent, maybe more than that, of our seniors who are on Medicare, are voluntarily on Part B because it is a good program.

The taxpayers are paying 75 percent of that premium, even though it has gone up over the years, because the cost of health care has gone up. But that is formula driven. But we need to change Medicare as we know it. And that is what we are doing with this bill, this new law. And I thank God for that. And I think our seniors thank God for that, and they thank this Congress, the Members that voted for this bill, and they thank President Bush for having the courage to see this through and deliver on a promise.

When I came to the Congress in 2003, almost 2 years ago, as only one of seven physician Members on the House side, we have Dr. FRIST, the majority leader on the Senate side, a lot of people told me back home, they said, especially my physician constituency, my friends that I had practiced medicine with for almost 30 years, You are going to go up to Washington and you are going to solve all of our problems, and you are going to explain to the 434 other Members, the non-physician Members how to get it done, what our needs are, what the problems are, what the problems with health care in general but for Medicare and our seniors specifically. We are counting on you. We are counting on you to make sure that everybody else understands this, and we solve the problems.

And I would say to them today, I am working on it. I am trying hard. But what I found when I arrived here is lots of folks, some physicians, many not, who have been working on health care and working to deliver a more modern 21st century health care system for our seniors; the same thing that we Members of Congress enjoy, all of our Federal employees under the Federal health employees benefit program, State employees, people indeed under the TRICARE system, enjoy, 21st century medicine. And there have been many Members in this body who have been working tirelessly for quite a few years before this Member, this physician Member arrived.

One of those is here with me tonight, and I am so proud to call her my friend and colleague. She is not a physician, but her husband is a physician. In fact, he is a retired OB–GYN just like myself. And as the chairman of the Subcommittee on Health of the Committee on Ways and Means, I am going to state that she has been invaluable to me and to all of her colleagues in sharing her knowledge, in making the most complex, arcane part of Medicare law understandable, understandable to me and to all the Members.

So it is with a great deal of pleasure that I recognize her here this evening and let her take as much time as she wants to talk a little bit more about the specifics of this bill. The gentlewoman from Connecticut (Mrs. JOHNSON).

□ 2130

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman very much for yielding. As a representative from Georgia, not only has he been very effective here in this body of the House, but as a physician Member, he has been extremely effective. This is the first time we should have had a critical mass of physicians to participate in these debates, which are striking at the heart of the inadequacy of the public program in regard to our seniors.

Medicine found ways to stop our seniors from dying of heart attacks, but then it left them living with cardiac problems. Medicare as a payor could pay for heart transplants and all those

things that can deal with diagnosed heart illness, but we cannot pay for all those programs that we now know that medicine has now developed to prevent cardiac illness from getting worse and leading people to needing heart transplants and serious heart operations.

That just gives you some idea. When we say Medicare is no longer adequate to provide health care to our seniors, that is what we mean. The whole world has moved into the world of disease management to prevent diseases from getting worse, to identify them real early, prevent them from getting worse, and that is what this bill does.

It will welcome seniors into Medicare in 2006 with a Welcome to Medicare physical. At that physical, we will identify those early signs of diabetes, heart disease, hypertension, and will start then to help seniors manage those illnesses and have the support in managing it and have the medications to manage it so that they do not end up in the emergency room, they do not end up in the hospital beds.

That is why, in the end, we were able to pass this bill, because Members who were concerned about the deficit came to understand that, if you do not modernize Medicare, it will go bankrupt. If you do modernize Medicare, you can move the money from the hospital emergency room treatment setting to the preventative setting and provide both with better quality health care and a financially secure system.

The point that the gentleman made earlier about employer-provided health care for retirees was absolutely right on target. We want our employers to stay in the business of providing retiree health care. We want the big union plans to stay in the business of providing retiree health care, but their fastest growing cost is pharmaceuticals, and it will drive them out of business. It will bankrupt their plans if we do not do something about it.

In this bill, we do do something about it. We share that cost with them, and for that reason, most employers and most unions, most public programs, State employer and municipal employers will be able to stay in the business of providing comprehensive health care for their retirees, including prescription drugs, in a way that they could not have if we had not passed this bill.

So this bill is not only terrific from the point of view of those who already have health care from their employers, it is terrific from the point of view of seniors who do not have good drug coverage. Some have very good, but most do not. They either have no drug coverage or inadequate drug coverage but under this bill, seniors will do very nicely.

If the gentleman has time, I would like to talk a little bit about the prescription drug benefit under this bill.

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman from Connecticut (Mrs. JOHNSON) very much, and if she will, I would like for her to go over that a little bit because I think there is still a lot of confusion about that, and if the gentlewoman can take a few more minutes and explain that. I know the Members would appreciate hearing from her.

Mrs. JOHNSON of Connecticut. Mr. Speaker, a lot of seniors have, first of all, been misled to think that the discount card is the Medicare reform bill. The discount card is not the program. The discount card is only an intermediate step, and it is one that, in my district at least, seniors who were spending $1,000, $1,500 a year on drugs can save considerably through a discount card. They can save usually, at least we are finding, about a third of their costs.

We are also finding that seniors who do not have any drug costs are remembering that if they have a discount card, that if they go to the doctor and he prescribes an antibiotic, which is often over $100, they will be able to save about a third of the cost of that antibiotic when they go to the pharmacy to buy it. So even seniors without regular drug expenditures are recognizing that the discount card is a good thing for them, but it is only an interim step.

The real program that goes into effect a year from January is a very generous program to those who need it the most. For seniors who have incomes under 135 percent of the poverty income; and remember, 50 percent, just think about this, 50 percent of all the retired women all across our Nation are in this category; 50 percent of retired women will have no premium, no deductible. They will get their generic drugs for $1 to $3 and their brand name drugs for $3 to $5. What a giant step forward, for half of America's retired women, to get prescription drugs with no premium at all, no deductible, $1 to $3 for generics and $3 to $5 for brand name. That will mean that none of those seniors will have to make the choice between food on the table or taking the drugs that will keep them healthy.

Then 70 percent of all of our seniors in America, men and women, will have 75 percent of the cost of their drugs paid for under this program. Medicare is an 80/20 deal. We pay 80 percent; you pay 20 percent. Eventually, we will get this Medicare prescription drug benefit back up to that so there will be consistency, but at the beginning, it will be 75 percent government paid, that is, the taxpayers, that is, your children, and 25 percent you pay. There will be a premium, of course, and a deductible. Just like there is a premium and deductible for Medicare part B, there will be a premium and deductible for the prescription drug bill. Although the premium will be far lower than it is for part B. It will not be over $35. It might be a lot less if things continue to go the way they are going.

So Medicare will offer a prescription drug benefit that for 70 percent of America's retirees will cover 75 percent of the cost of all their drugs. Now, if you have very high costs, you will have to spend $3,600 before you get the catastrophic coverage, but that $3,600 can be paid by you, by your children. It can be paid by charitable organizations. It can be paid a number of different ways, and for anyone whose income is 150 percent of poverty, which is about $14,000 I think for a single and about $19,000 for a couple, I think that is about right, anyone under those amounts will not have to pay this $3,600.

Anyone that lives in a State like Connecticut that has a ConnPACE program or like Pennsylvania that has a PACE program, any State program that provides subsidies for seniors with prescription drugs, they will never be exposed to that $3,600, and over time, we will make sure that the $3,600 expenditure for catastrophic coverage is not required of anyone who cannot afford it. But if you can afford it, it is good for you to pay it rather than the taxpayers because it lowers the burden on our children of the enormous costs associated with Medicare, Social Security and Medicaid's payment for long-term care which, when the baby boomers retire, is going to be extraordinary.

So, as a retiree, I will want to pay my share if I need to get to that catastrophic level and if I can afford the $3,600. So this is a totally generous program to those who need it the most. It is a very generous program to 70 percent of seniors because it covers 75 percent of your drugs, and for everyone else, it is very generous up to that $2,250. Then it requires some effort before you reach the 95 percent coverage, but for that effort, you can have help.

We just want to make sure that everyone has the help they need to reach the catastrophic, but it is a very generous program. I am proud of it. I am proud of the way it modernizes the quality of care you will get by, helping you manage your disease so you will not end up on the operative table.

I am extremely proud of the way it revitalizes rural health care because, without this bill, rural doctors would be out of business in many parts of the country. The small rural hospitals would be quietly going under, and we would literally lose that provider system that provides health care in the rural areas.

Medicare is like the post office. We have to be able to deliver everywhere all across the country to every single senior, no matter how small a community they live in, and to do that, we have to make the changes we make in this bill to assure a healthy delivery system of doctors, of hospitals, of home health agencies and of all of those providers that are crucial to a high quality of health care for our seniors all across this America.

So this bill is a huge reform. It revitalizes the quality of care Medicare can deliver. It revitalizes the system so it will truly be a national delivery system, and it modernizes the benefit

package by providing prescription drugs to our seniors. They fought hard for it. They deserved it. Inaction would have been absolutely a travesty, and anyone who voted for inaction when there was an opportunity to advance Medicare in so many areas was really, in my personal opinion, misguided.

The seniors could not wait. They should not wait, and we will have this nationwide new program up and running in January of 2006, and the seniors will benefit for generations to come.

I thank the gentleman from Georgia (Mr. GINGREY) very much for letting me join him for this Special Order on what is a very, very important new opportunity for seniors.

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman from Connecticut, the honorable chairman of the Subcommittee on Health of the Committee on Ways and Means. I know she has got a very busy evening, as all of her evenings here in the Congress are just jam-packed with other obligations, for her to come by tonight and help us share this time and explain, as I said earlier, you can see what I am talking about, she makes it so clear and understandable. I invite her to stay as long as she can, and if she needs to leave, I understand that, but I am very, very appreciative of her work and her expertise. I thank her so much.

What I wanted to say, just kind of in following up on some of her remarks, this is a bipartisan bill. This new Medicare Modernization and Prescription Drug Act that preserves, protects, strengthens and simplifies Medicare as we know it, that is what we are talking about, and I am proud that it was a bipartisan vote.

There were some Members on both sides of the aisle who were concerned about the bill, for different reasons, and voted against it. I think 28 of my Republican colleagues actually voted against passage of this bill, and remember what they said when they came down and spoke against the bill and in a vote of conscience voted against it? They thought that the bill was costing too much; we could not afford it. We could not afford to deliver on this promise.

Their concerns with the deficit, of course, are understandable. Their concerns with the need to continue to successfully wage this war against terrorism and to win is very understandable. So these 28 Members, my colleagues on my side of the aisle, voted no. They wanted to do it. They knew it was a good program that they felt its time had come, but yet did not think we could afford to do it. They voted no.

I think it is an accurate statement to my friends on the other side of the aisle, the Democrats who voted against the bill, most of them felt that we were not doing enough. Another one of those Medicare tactics I was talking about in this Halloween season is, the hole in the donut is too big; the hole in the donut is big enough to drive a truck through.

So they wanted to do more. In fact, the proposal that I heard from a number of Members on the other side of the aisle who voted ''no'' was, well, let us close that hole in the donut so we give better coverage to everybody, especially good coverage to those needy seniors that the gentlewoman from Connecticut was talking about.

□ 2145

But that bill would have cost us something like $2 trillion over a 10-year period of time. And we certainly could not afford that. Yet, for whatever reason, those who felt like we were not doing enough and we needed to do more, and those who felt like even though we were not doing enough we could not even afford that much, that was a vote of conscience on their part. And that is understandable.

But the bill did pass in a bipartisan fashion, a much wider margin, I might add, than the other body, than the Senate. But my Republican colleagues who voted ''no,'' a vote of conscience, you do not hear one single voice from my side of the aisle going around and scaring seniors and telling them do not accept a Medicare prescription drug discount card, this interim program, which is available right now. And many of those beneficiaries are eligible for that $600 credit. All they have to do is pick up the telephone, 15-minute conversation, and they have got that prescription drug discount card, which probably lowers the cost of their prescriptions maybe 20 percent, if it is a brand-name drug, possibly up to 40 percent if it is generic, in addition to the $600 per year or $1,200 over the course of the interim program.

You do not hear my friends who voted ''no,'' a fiscally conservative vote, you do not hear them telling the seniors not to sign up for those cards. But you do hear that from my colleagues on the other side of the aisle who voted ''no.'' Again, a vote of due conscience because they thought we were not doing quite enough, that we needed to do more. Wish we could. Hopefully, as the gentlewoman from Connecticut (Mrs. JOHNSON) said, as we go further along into this program, we will be able to do more; and we will work with our colleagues on the other side of the aisle to try to make it a program, which is already a great first start, even better as we go forward, as we can better afford to do more.

Oh no, that is not enough for them. They have to scare seniors, and they have been doing it ever since December of 2003. Not just this Halloween season, but of course the rhetoric is getting a little more heated now because not only are we getting close to Halloween but we also are getting closer to November 2, and we all know what November 2 is. So it is all about who gets the credit or, from their perspective, who gets the discredit. They want to scare the seniors enough and tell them do not even accept the prescription drug discount card, when they can get $600 a year credit in their medications and, in many instances if they are a low-income senior, will cost them nothing. Unbelievable. Unbelievable.

The gentlewoman from Connecticut was talking a little bit about the basic program, the part B, the insurance program, that will be available as a voluntary option in January 2006. For the average senior whose income is, let us say, more than $18,000 to $20,000 a year, this is what the program will cost. And I want to call my colleagues' attention to this slide.

Basically, $35 a month premium, a $250 deductible per year, and then 25 percent copay. That means the good news is Medicare and the general taxpayer, those individuals who are still out there in the workforce paying that payroll tax, cover 75 percent, up to $2,250.

Now, yes, there is a gap in coverage. This is what we refer to as the hole in the donut. And beyond that point, until the senior has spent $3,600 out of pocket, there is no coverage and the senior has to pay 100 percent. That is the part we are going to improve as time goes on. But the good news in that, the glass being half full and not half empty, is that when they reach that point, then the coverage is 95 percent insurance and 5 percent copay.

Mr. Speaker, I want my colleagues to pay attention to this next slide, just to give them an example of some of the savings that will be affected by this interim prescription drug discount program. If a senior is paying today $100 per month for prescription drugs, and believe me those who have had those town hall meetings and talked to their seniors, many of them are paying $100 a month, some are paying $500 a month and more. But let us just take $100 a month. They will have an annual savings of $773, basically reducing their annual prescription cost for drugs, for prescription drugs, by 64 percent.

Let us take another example. Let us say it is $500 a month. Let us say it is a senior, someone like myself, who has had a little heart surgery and is on four medications a month, each one of them costing $100-plus. Pretty quickly they are up to $500 a month. Well, this prescription drug plan, over a period of a year, is going to save them $2,700, reducing their annual cost by 45 percent.

Let us continue. How about $800 a month? How many have relatives, parents, or grandparents who may be on six or eight prescription drugs a month and they are paying over $800 a month? The annual savings, $5,871, some 61 percent reduction of their annual cost for prescription drugs. Simply amazing.

Mr. Speaker, I think it was the Honorable Speaker Tip O'Neill who said a few years ago ''all politics is local,'' so let me spend a few minutes talking about my district, the 11th in Georgia. I want to call my colleagues' attention to this slide.

In Georgia's Eleventh Congressional District alone, the average senior will save $1,488 off their prescription drug

costs over 18 months. Over an 18-month period of time $1,488 savings. That is not pocket change. That is certainly not pocket change for seniors, many of whom are on a fixed income. These savings represent 42 percent off of the typical senior's drug cost.

In fact, it is estimated that prescription drug savings for the State of Georgia, all the seniors in the State of Georgia will reach $186 million; $186 million. That will certainly help the bottom line in Georgia, and the bottom line especially for our needy seniors.

I also want to call attention to this next slide. This is just a typical example of what a Medicare prescription drug discount card looks like. And I guess the most important thing here, and I know we have 1.8 million seniors who have these, but we want more to take advantage, because the time is slipping away and the opportunity to get that credit that so many of them are eligible for. We do not want them to lose that opportunity. But the most important thing about this card is that it has the Medicare seal of approval. That way you know that that is the real deal. That is the card.

There will be plenty to choose from. They are available now. In fact, they have been available since June 1 of this year. It is time for our seniors to reject the Mediscare rhetoric and get these cards. Sign up for them. All you have to do is pick up that telephone and dial 1–800–Medicare, and they will walk you through the steps in 15 or 20 minutes.

Mr. Speaker, this is another slide that I am calling my colleagues' attention to; and basically what it reflects in the respective States is how many Medicare beneficiaries are there who will actually pay no more than $5 per prescription under this new Medicare Modernization Act and Prescription Drug Bill. The State that, of course, jumps off the page at me is my State. I am sure my colleagues feel the same as they look at this slide and pick out their State, whether you are from the West, the North, the East, the South, or wherever, or in the heartlands.

When I look at Georgia, the great State of Georgia, and realize that 233,000, 233,000 Georgians under this new plan, because of their income, because they are on a fixed income, maybe they are below 150 percent of the Federal poverty level, the most that they will pay on this program is $5 per prescription. That is it, $5 per prescription. That is 233,000 in the great State of Georgia.

We have some tremendous strains, of course, in the Medicare program. I mentioned at the outset how tough it is for the physicians to stay in the program, that it is not a giveaway. Part B is not a giveaway to the doctors. Fortunately, many, through compassion, are staying in the program. But it is certainly no giveaway. And for sure no giveaway to our hospitals is part A. And, parenthetically, part D, the prescription drug part, is no giveaway to the pharmaceutical industry.

But just look at this slide, my fellow colleagues. Look at this and pick out your State and see the benefit to your hospitals, especially your rural hospitals, that are struggling so badly to keep those doors open. Outside of the school system, they are probably the largest employer in your county, in your congressional district. Just look at the benefit that your State gets through the hospitals under this program.

Here again, I go right to Georgia, and that is where it is most important to me. Over $550 million worth of benefit to the hospitals, especially the rural hospitals in the State of Georgia. That is $550 million, almost half a billion dollars. This is a Godsend to these hospitals. And that is what we are doing with this Medicare and Modernization Prescription Drug Act.

Mr. Speaker, I realize we are coming to the close of our hour, which has been, I think, a good time to spend talking with my colleagues and making sure that everybody understands. We have done something very historic in this 108th Congress. We have finally delivered on a promise that was made a long time ago. Thirty-eight years is a long, long time for our seniors to wait for a prescription drug benefit to modernize this Medicare program, which is still in the 20th century.

The rest of us, those of us who are not yet quite 65, although some Members of this body are, we have a benefit plan that has an emphasis on wellness, on prevention, and making sure that catastrophic illnesses do not occur to us.

□ 2200

This is such an important point to remember that including a prescription drug benefit may very well, in the long term, over a 10-year period of time, result in some savings to the Medicare program. Yes, we are estimating it might cost $500 billion over 10 years, but I want my colleagues to understand that it will only cost $500 billion over 10 years if it does not work. Because I would suggest that if it does work, and I sincerely believe as the President believes in this compassionate effort to finally deliver that we are going to reduce the cost of Medicare that we spend on part A, the hospital part, we are going to keep people out of the hospital. We are going to reduce the cost of part B, the part of Medicare that we spend on physician reimbursement because we are not going to be doing as much open heart surgery. We are not going to be doing as much renal dialysis and kidney transplants. We are not going to have as many people in the nursing homes for the rest of their lives who are trying to recover from a CVA, or, as you know it, a stroke, because these seniors will be able to control that high blood pressure that heretofore they could not. They knew they had it but they could not take their medication, and the only benefit they get is when a catastrophe has occurred.

I thank my colleagues for giving me an opportunity to talk to them tonight about this great program that is going to only get better. I think it is time to stop scaring our seniors. We have got 27 days before Halloween. We have got about 30 days before our elections. Let us take the politics out of this. Let us not try to ride our reelection train on the back of our seniors by scaring them over this program. It is unconscionable to do that. They deserve so much better. And you are better. I know that.

We get awfully partisan up here sometimes, but when we talk out in the halls or we realize that we are all basically the same, we have got families, we have got children, we have got grandchildren, we have got seniors in our district, let us all work toward the betterment of them through this program and quit scaring our seniors. Beyond this Halloween and this election and going forward in the 109th Congress, we will make this program even better than it is now.

THE NATIONAL DEBT

The SPEAKER pro tempore (Mr. MURPHY). Under the Speaker's announced policy of January 7, 2003, the gentleman from Tennessee (Mr. TANNER) is recognized for 60 minutes as the designee of the minority leader.

Mr. TANNER. Mr. Speaker, I come here to the floor tonight to talk about something that is not very pleasant to think about, much less talk about, but as President Jimmy Carter once said, the highest office in this land of ours is that of citizen, because the citizen makes the determination as to the course that our country's leaders take. All of us are citizens, and therefore, all of us ought to be aware of what I consider to be a grave and growing danger, maybe second only to terrorism in our country tonight. The issue that I am referring to is our Nation's overwhelming Federal debt. I do not believe most of our citizens, the highest officeholders in this land, realize just how bad this debt and deficit is and how much it is rapidly deteriorating in terms of our Nation's financial balance sheet.

We have embarked for the last 4 years on an unprecedented and unsustainable borrowing binge that is going to place our citizens in hock not only from the standpoint of paying ever-increasing taxes just to service the debt, much like we do our credit card debt, but what we are doing to ourselves, to our country and to our children and grandchildren.

Let me talk to you a little bit about mind-numbing figures, numbers. I will try to limit that, but let me just try to explain. We hear two different debt numbers. We hear of our Federal debt being $7.3 trillion, and it is. That is the total obligation of our country vis-a-vis our deficits, our budgets and so on. About $3 trillion of that $7.3 trillion is money basically that we owe to each other; we owe to the Social Security

trust fund that we have borrowed from; we owe to the veterans' organizational trust funds that we have; the airport trust fund; the highway trust fund; on and on. That $3 trillion is money that we the people, the citizens, owe to the various trustees, and we have to make good on that in the future. That is not the part of the $7.3 trillion I want to talk about tonight. I want to talk tonight about the $4.3 trillion that I call hard money, hard dollars that we have actually borrowed from individuals and corporations in this country and from around the world that we will talk about in a few minutes. I hope before you turn off listening to us, you will listen to what we have to say about that, because it is truly frightening.

I do not know, reading history, of any country that has managed to remain strong and free and bankrupt. My friends, my citizens, that is where this country is headed. The deterioration of the Federal balance sheet in the last 4 years is truly breathtaking. These numbers right here, we have borrowed in the last 45 months or so $1 trillion if we add all of this up, $1 trillion. I do not have to tell all of us, myself included, who have debt on our house, our car or our credit cards, what $1 trillion means. It means, at 5 percent interest, we have actually increased taxes on the American people in the last 45 months by $50 billion a year each and every year. That is called a debt tax that we will talk about later. It must come off the top. It must be paid. It cannot be repealed, and that is where we have put ourselves collectively in the last just 4 years.

This second chart shows how much the debt limit levels have increased just since 2001. In 2001, the debt ceiling was $5.9 trillion. In 2004, it will be $8.07 trillion, and by 2014, according to the Congressional Budget Office projection, that is assuming that everything stays the same, it will be $13 trillion. I suggest to you that, if you are in an airplane, you are in a death spiral financially on this chart right here. If you do not do something different, if we do not do something different, if you do not demand that the leaders of this country in this one-party government we have now do something different, we are going to hit the ground. There is no way this country can sustain and service this kind of debt.

I talked about servicing the debt. Last year, on this $4 trillion plus, we paid $159 billion in interest. We wrote checks for $159 billion. This will go on as we see under present law. By the end of 2008, we will be spending $1 trillion a year just to service our debt. It is clearly unsustainable. There is no way that you can take that much money out of our economy just to service debt for which we get no military prowess, no education, no health care, no highways, no bridges, no anything but just the privilege of paying taxes so we can pay debt.

At this point, I want to again emphasize, if you are just talking about debt, we are in an unprecedented and unsustainable headlong dive into bankruptcy. I want to ask my friend from Texas now to talk a little bit about what we do. But after he does, please stay tuned because we are going to talk about who owns it, and that is truly frightening. My friend from Texas (Mr. STENHOLM) is one of the leaders here in the Congress for financial responsibility, for commonsense approaches to government in terms of what we can afford. He has been so for over 20 years. He is the father around here of the balanced budget amendment. He introduced it, I guess, as soon as he got here, and he is one who has unquestioned credibility and credentials on our Nation's debt, deficit, financial balance sheet, you name it. I am glad the gentleman has joined us tonight.

Mr. STENHOLM. I thank my friend from Tennessee for yielding and thank him for taking this hour tonight. I not only want to thank him, but I want to thank USA Today for what they did today on the front page of their newspaper. We have been in this Chamber several times this year talking about this, but nobody pays any attention. You would think that you are making this up, what you have just shown, how the deficit has turned around. We have listened to the explanations from our friends on the other side who are in control of the fiscal matters of this country right now. Here is the paper, front page: $84,454 is the average householder's personal debt, as you mentioned. We have got home mortgages. If you are in small business, you borrow money. Your personal family, you borrow money. You have got credit card debt. You have got a car loan, et cetera. So the average per household is $84,454. The average debt that you are talking about tonight plus the unfunded liabilities of Social Security and Medicare, and I found it rather fascinating that the previous 1 hour did not ever mention the debt that is associated with the Medicare program right now, that did not mention that we were kind of misled, and I was one of the bipartisan supporters of the pharmaceutical drug Medicare reform bill, and I supported it because of the rural hospital components, but nobody mentioned the fact that we were misled about what the cost of that bill was going to be, those of us who supported it. We were not told 100 percent of the truth, and that is another story for another day.

But you are going to get into something in a minute that I think is going to get even more the attention of the American people. I remember, 1981, when we in this body in a bipartisan way increased the debt ceiling to, I believe, $980 billion. We are talking tonight about $7.3 trillion. It was $980 billion in 1981. We did not worry too much about that at that time because we owed most of that money to ourselves. When you owe money to yourselves, I remember the debate very clearly, it is not a problem because we are just taking it out of this pocket and putting it in another one. But, today, it has changed a little.

I think that leads into the point the gentleman was wanting to make. I want to talk more about this unfunded liability again, things we are not doing in this 108th Congress.

□ 2215

It has been now labeled, and I think correctly, the biggest do-nothing Congress since 1948; i.e., we have been in session less this year than any Congress since 1948. And that means that we have got an energy bill we have not passed. That means we have got a budget we have not passed. That means that, sometime this week, we are going to reach the debt ceiling of $7.384 trillion, which means we have got to up our credit card limit, or we default on these notes that we have got. And so all of this time, nothing is being talked about until today on the front page, some newspaper, some media, paid a little bit of attention to it.

But when we talk about debt, we do not owe it to ourselves anymore, and one of the most frightening aspects of this debt today is the one that the gentleman is just about to talk about.

Mr. TANNER. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments.

I hope that we have communicated the breathtaking magnitude of this federal debt, $7.3 trillion in a $10 trillion economy. We cannot sustain that. It is like, if one makes $50,000 a year and they owe 70 percent of that in debt, they are in deep trouble, and I will talk about that in a minute. But the gentleman from Washington has joined us.

Mr. Speaker, would he like to say something before I get into whom we owe?

Mr. MCDERMOTT. Mr. Speaker, will the gentleman yield?

Mr. TANNER. I yield to the gentleman from Washington.

Mr. MCDERMOTT. Mr. Speaker, I think it is rather unusual that the gentleman from Texas (Mr. STENHOLM), the gentleman from Tennessee (Mr. TANNER), and I are all up here today talking about the same issue because I really think it is time to get some real value out of the administration's color-coded warning system. It is time to declare a code red on the Nation's debt crisis.

The front page story today, which has been alluded to, from USA Today analyzed the financial obligations facing Americans because of government debt. USA Today called it the hidden debt, and it totals a staggering $53 trillion. That translates into $473,456 per household. This money we need right now to meet the future obligations for programs like Medicare, Social Security, and government pensions. It grows by $1 trillion a year as long as this administration's budget binge continues.

The bills come due in earnest beginning in 2008. That is not very far away.

It is a blink of an eye in real terms. So far, the answer out of this administration seems to be a strategy of letting the financial crisis reach epic proportions and then renege on the promise that the country has made to the greatest generation. And that, in my view, is not right.

When Americans need their government most, at retirement, the administration has not put forth a credible plan to honor our commitment to senior citizens. When Americans are most vulnerable, entering retirement after a lifetime of hard work and sacrifice, this administration is budget binging and simply cannot go on.

What will they say to seniors? Well, we would not do the math. Or we did the math and left it to the next administration to be responsible. The road the administration has put this Nation on is a fast track to catastrophe. This is far from a dire warning.

Economists and other experts on both sides of the aisle know the consequences of what USA Today is reporting today. The nonpartison, independent CBO looked at the President's budget. The CBO concluded, ''These long-term budget projections show clearly that the budget is on an unsustainable path.'' That is not rhetoric. That is a dose of reality about where this administration has taken the country.

It gets even worse if a major disruption in oil supplies or another terrorist attack shakes the world's confidence in America. There is a major crisis at America's doorstep, but this administration serves up anecdotes instead of answers.

America's national security cannot be separated from America's economic security. And knowing that this Nation faces a looming debt load surpassing $53 trillion, the administration simply denies the crisis and keeps rewarding the rich with increasing tax cuts. Every day that the administration pretends everything is rosy is another day closer to a crisis when decisions will be forced, not made. That is because America is being run on borrowed money as much as borrowed time.

America is increasingly dependent on foreign governments to finance the U.S. Government spending. Is that the administration's idea of how to keep America secure? The way the administration is going, our insatiable appetite for foreign capital to keep the United States going will match our insatiable appetite for oil. Dealing with one is bad enough. Dealing with both is downright scary.

What happens when foreign countries decide to push the limit and demand more and more of us, not in dollars but in policies? If anyone doubts that carrot-and-stick approach, I would say look back on our own recent history. How many times has the United States tied economic assistance to another nation for concessions on something we want in return? The answer is, too many times to count.

National security depends upon economic security and is not built on top of an international debt or a mountain of international IOUs. We owe the greatest generation something more than a than an IOU. We owe the next generation something more than an anvil of debt hanging around their necks. We owe it to ourselves to face the reality that is facing us this day.

Here is the scale.

America is the greatest economic engine on the face of the earth. Last year, America's entire economic output was $11 trillion, as has been mentioned before. That was the total gross domestic product. As impressive as that is, the GDP pales in comparison to the $53 trillion coming due. Last year's entire economic output of the greatest country on earth is a mere one-fifth of the debt load America faces. Common sense ought to tell us where math like that gets us.

The war on America's debt is going to challenge us in ways we have never seen before. The danger is the economic policies set in motion by the current administration will pit one generation against another; the seniors against the folks in our age group against our kids. Every day the administration denies the problem is another day the war on debt becomes harder to win. We can act while we are still responsible to make choices. Or America can wait until we make or are forced to make draconian cuts.

The Greatest Generation made the greatest sacrifice on behalf of every generation. America owes them a debt of gratitude, not a mountain of debt that imperils everything they fought for. It is time to put the common good ahead of uncommon gain in this country. We have done it before, and we can do it again.

I think the gentleman from Tennessee (Mr. TANNER) ought to be commended for coming out here and raising this issue. At 10:30 at night, the people of the west coast are still watching, and I am sure people in Tennessee are watching, and people in Texas are watching, and they have got to think about this. This is not being discussed in this campaign. But George Bush has run us off the road. So my hat is off to the gentleman for coming out and talking about this.

Mr. TANNER. Mr. Speaker, reclaiming my time, I thank the gentleman for joining us. I got interested in this, it has been 2 years ago now, and I have learned more about the Nation's debt structure and so forth than I ever thought I would. And the more I think about it, the more concerned I become. And we are talking about this gross federal debt.

Let me try to boil it down. Of the last year, we paid gross interest on the $7.3 trillion of $318 billion. If we do the math, that is, 17.8 percent of every dollar that comes into this town is going out in interest. That is a 17.8 percent mortgage on our country. If we just talk about the $4 trillion, the hard dollars, and take away the money we owe each other, we have got almost a 9 percent mortgage on the country now, and it is going up every single day.

Mr. MCDERMOTT. Mr. Speaker, who is financing it?

Mr. TANNER. Mr. Speaker, I am going to answer that question, and I guess now is as good a time as any. The foreign-held debt in January of 2001 was $1.01 trillion. The foreign-held debt in July of this year was $1.81 trillion. That is a difference of $800 billion since 2001, a 79 percent increase in what foreigners hold.

If we look at this chart, in 1980, of our debt foreigners held 17 percent of it. Last year, they held 37 percent of it. That is over a 23-year period.

But look at this one. In just 1 year, through July of 2004, it has gone from 37 to 42. That is what I am talking about when, on page 2 of the story, we will hear this, oh, well, this deficit is not any greater than it has been in times gone by as a percentage of the gross domestic product. That may be true, but what they do not tell us is that, in those times before, it was Americans buying war bonds. It was Americans buying T-bills and Americans buying notes. That is not true any longer. We are now dependent on the infusion of foreign capital to buy our notes, our T-bills and our bonds to finance this government. This is a recipe for financial disaster. It has to be.

One of the heart-breaking things about this is that people just do not focus on it and do not understand the magnitude of the problem. We think about the foreign aid bill. Do my colleagues realize that this year we will ship overseas four times the amount of the foreign aid bill in interest alone? Eighty-four billion dollars we are shipping out of this country to foreign-held debt. This is something that I think people ought to be aware of.

And this chart will show who owns our debt. In July of 2004, we owed the Japanese $695.8 billion. We owe mainland China $166.9 billion; United Kingdom, $130.4 billion; Caribbean banking centers, $90.9 billion; Korea, $61.5 billion; Taiwan, $57.6 billion; Hong Kong, $50.4 billion; Germany, $49 billion; Switzerland, $48 billion. We owe OPEC $43.9 billion. We owe Mexico $34.1 billion; Canada, $33.3 billion; Singapore, $26.1 billion. We owe Luxembourg $26 billion; Ireland, $18.2 billion; Brazil, $16.2 billion; Italy, $15.7 billion; Turkey, $15 billion; India, $14.9 billion; the Netherlands, $14.6 billion; Belgium, $14.6 billion; Thailand, $14.3 billion; Israel, $13.8 billion; France, $13.6 billion; Spain, $11.9 billion; Sweden, $10.4 billion; Australia, $9.7 billion; others, $7.5 billion. We owe $1.813.1 trillion out of the $4 trillion to people who are not Americans and who may not see the world as we see it in the future. And therein lies, I think, an unacceptable risk that we are putting our country in. We are creating a financial risk to our country that is, in my view, unacceptable.

The percentage of debt that was in foreign-held hands when President Bush took office has gone up, as I said, $800 billion. And the percentage of the 2003 deficit last year that we had, do my colleagues know what happened? Seventy percent of our deficit last year was financed by foreigners.

□ 2230

Not us. We are not paying for it. We are not paying for anything. Foreigners are financing our deficit spending. And if you do not think that is dangerous, then you have not studied history.

I yield further to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I hope our colleagues are paying a little attention to this tonight, because when we have been on this floor offering to be part of a solution, if people are watching this right now, folks are beginning to think, I would hope, okay, what should we do about it? What do you propose we do about it? How do you stop this, or is it no problem?

Well, I do not think anybody can come to the conclusion that this is no problem. If they do, they are living on a different world than the gentleman is or I am. It is a problem. It is a major problem.

Not only is this foreign debt, but then when you look at the unfunded liabilities of our Social Security system, for our children and grandchildren, and I want to emphasize right here, no one watching this has to worry about your Social Security check today. That is not the problem. It is our children and grandchildren that have got to worry about it. The Medicare situation right now is a $30 trillion unfunded liability. That is the more immediate problem.

But our point tonight is in emphasizing this body, the 108th Congress, has done nothing to address the problem the gentleman is showing, has done nothing to address the Social Security unfunded liability, has done nothing to deal with Medicare, other than dig the hole deeper; and that is the concern that we bring tonight.

It is time that we start doing something about it. Sometime this week, it is estimated that on Friday the United States of America will reach our credit card limit, $7.384 trillion; and when you reach that limit, you cannot borrow any more.

Now, the Blue Dogs, we have written a letter to the gentleman from Illinois (Speaker HASTERT), saying Mr. Speaker, we will vote to increase the debt ceiling, we will provide some bipartisan support for doing that, and we ask you to bring it to the floor and do it out in the open, with one proviso: reinstate one small rule that worked in 1990, 1992 and 1997, pay-as-you-go.

It says if you are going to spend more money for any purpose, you have got to pay for it. If you are going to cut taxes, you have got to cut the spending first; not just say you are going to do it, but actually do it before you cut the taxes so you do not dig the deficit hole deeper.

We think that is a reasonable compromise. The gentleman and I and 36 of our colleagues have said on this side of the aisle, we will do that.

Instead, what we hear from the leadership of this House is we are not going to vote on it until the lame duck session. We are going to put the Treasurer of the United States, who has asked us to increase the debt ceiling, we are going to put the good faith and credit of the United States into requiring the Treasurer of the United States to use every gimmick at his disposal, borrowing the Civil Service trust fund dollars, again, they have already been borrowed and spent, but we are going to do it again, because, as you know, these trust funds are a figment of imagination of anybody.

The military, the irony tonight, is that for the next 6 weeks we are going to force the Treasurer of the United States to borrow the military trust funds. The men and women who are putting their lives on the line tonight for us in Afghanistan and Iraq, work in paying into their trust fund for their retirement, we are going to manipulate that for the next 6 weeks just to keep us from voting to increase the debt ceiling. That borders on immorality. We hear a lot about that around this body, and it is wrong.

It is time for us to start dealing. You will find, Mr. Speaker, there are some considerable number of Democrats that will work with you would you allow us the opportunity to do so.

Finally, on the point the gentleman is making here, the gentleman mentioned debt tax awhile ago. All we hear about around here is tax cuts, tax cuts out the gazoo.

What the gentleman has shown tonight is the largest tax increase that this country has ever seen, because once you owe $7 trillion, let us round it off now because it will be $8 trillion within the next year, $8 trillion, a 1 percent increase in the interest rates of this country, a 1 percent increase is a $80 billion tax increase, and where are we going to send 42 percent of that tax increase? To our good foreign neighbors that are financing our spending binge in this country.

This is the biggest not only tax increase, but, as the gentleman pointed out tonight, the biggest foreign aid bill that this country has ever passed. And yet you would not believe it based on the rhetoric we hear in this body night after night.

Mr. TANNER. Mr. Speaker, I see our friend from Mississippi (Mr. TAYLOR) has joined us. I thank the gentleman for coming down. Some of us sometimes feel like a canary in a coal mine. They send a canary in a coal mine to see if it can live because of the gases and so forth. We have been talking about this, the Blue Dogs and others, for at least a year.

I think maybe with the gentleman from Texas (Mr. STENHOLM), what he said about USA Today, maybe we are getting through now and people are beginning to see. As I said earlier, the citizens of this country need to know this. I do not think they really fully know, because nobody has talked that much about it, but we are on a road to financial Armageddon. What we are doing around here is just plain wrong.

I thank the gentleman from Mississippi for joining us tonight.

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman for yielding.

Later on this week there will be a debate between the two candidates for President. I distinctly remember the incumbent telling me a little over 3½ years ago that he could increase spending, decrease taxes and pay down the national debt.

Having watched this body for decades have huge annual operating deficits, I did not think it could work. It just did not make sense. It took fiscal restraints, it took some tax increases that I voted against, but it took both of those things to balance the budget. And here he was coming in saying, I am going to spend more, I am collecting less, and I am going to balance the budget.

So on the night of my son's 13 birthday, they passed the President's budget. At that time our Nation was $5,643,283,000,000 in debt and owed over $1 trillion to the Social Security trust fund, and yet he said what we needed to do was spend more and collect less.

In slightly over 3 years the national debt has increased by $1,735,784,685,911. To put that into context, if you went all the way from the American Revolution, the cost of the American Revolution, the cost of the War of 1812, the cost of the Mexican American War, the Civil War, Spanish-American War, World War I, World War II, Korea and Vietnam, all the things that happened in those years, all the way up to 1979, our Nation borrowed $1 trillion. In a little over 3 years, our Nation has borrowed $1.7 trillion. Where did it come from?

The gentleman from Tennessee (Mr. TANNER) has done a great job of talking about we borrowed it from the Communist Chinese. By the way, if you are concerned about Taiwan's independence, imagine a scenario where the Chinese are getting ready to invade Taiwan and say, By the way, if you defend Taiwan, we are calling in the note for $160 billion you owe us, plus the note for the other $50 billion you owe to Hong Kong, since we now own them also. So we are calling in the note for over $200 billion if you defend Taiwan. I have got to tell you, I do think that is part of their strategy. I have said that here on the House floor. If you think big deficits are a good idea, then you like borrowing money from the Communist Chinese.

But worse than that, every single American who has a job, from a kid who is working at a snowball stand to Bill Gates, everybody pays at least on

their first $68,000 of income on their Social Security. There was a solemn promise made back during the Reagan Presidency when those taxes were increased that that money would be set aside for no other purpose than paying Social Security benefits.

Right now, our Nation owes the Social Security trust fund $1.6 trillion with no plan to pay it back. The past 3 years, they have stolen an additional $521 billion from the Social Security trust fund.

So if you watch the debates Thursday night, and I hope some television commentator somewhere is watching this, how about a great question: How do you plan to pay back the $1.6 trillion that has been stolen from the Social Security trust fund, including the $521 billion that has been stolen in just over the past 3 years? Because if you do not have a plan to pay it back, then you stole it.

So in order to get about $600 billion in tax breaks, $521 billion stolen from the Social Security trust fund, the rest is borrowed from the Communist Chinese. A heck of a deal.

As a matter of fact, if you take a look at it, for every dollar the American people got back in tax breaks, our Nation has borrowed three. That is a heck of a sound business decision.

So if you have watched the House floor in the past couple of weeks, you know that we have had votes on things like gay marriage, which I opposed. We have had votes on things like burning the flag, which I oppose. We have had a lot of talk of morals; we have had a lot of talk of patriotism.

So let me pose to my Republican friends who vote for most of these things, a moral question: Is it moral for you to spend money that you are going to stick your kids with the bill? What moral father, what moral mother would go out and buy a house or a fancy car and say, I don't care what it costs, because my kids are going to pay for it.

What moral grandparent would go out and buy something and say, I don't care what it costs. My grandkids are going to pay for it.

Mr. TANNER. Or just pay the interest on it and let them pay it off.

Mr. TAYLOR of Mississippi. Right. Talk about patriotism. What patriot would bankrupt the country he loves? That is exactly what has been going on for the last 3 years.

We hear talk about sound economic principles. Really? What is so sound about borrowing $3 for every $1 the citizens got back in tax breaks? New York loan sharks do not charge that kind of interest. Yet it is what we continue to pay.

So I think the questions that I would hope the press will be asking Thursday night are how did we get into this jam and what is your plan, both of you candidates, for getting us out it?

What is my plan? Number one, I think we need a constitutional amendment to protect the trust funds. We have a solemn promise. If we take money out of a person's paycheck and say it is going towards Social Security, then it should go towards nothing but Social Security. If we take money out of a person's paycheck to pay for Medicare, then it should go towards nothing but Medicare. It is pretty simple. If we tell a Federal employee we are going to take money out of their paycheck and set it aside for their retirement, then we ought to do just that.

But what you do not know and probably do not want to hear is that as of this moment this Nation owes you, every Social Security recipient, a total of $1.6 trillion has been taken out of your trust fund. For those of you who paid into Medicare, and every working American has, we owe you $270 billion. If you are a Federal employee, we owe you $622 billion in your retirement fund.

By the way, if a private sector employer had done that, if a private sector employer had dug into his employees' retirement fund for any reason, no matter how good, whether it was to help a crippled child, whether it was to help someone go to college, whether it was to pay a disaster loan, if they borrowed into it for any reason, they would go to jail. Yet the people who run our country continue to do that with absolutely no remorse for what they have done, and, sadder still, with absolutely no plan for paying it back.

So I say to the gentleman from Tennessee (Mr. TANNER), I do appreciate the opportunity to be here tonight.

For you House employees, I hate keeping you here tonight. There is one week left in this session. I promise not to do this to you on a regular basis. I think these are things the American public needs to know about. I think this is the time to talk about it.

Mr. TANNER. I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I was just going to add a couple of points here.

It is not just the three of us talking about this. The Comptroller General David Walker, the government's chief accountant, is traveling the Nation warning of the impending crisis. ''I am desperately trying to get people to understand the significance of this for our country, our children and our grandchildren,'' Walker says. ''How this is resolved could affect not only our economic security but our national security,'' which the gentleman has pointed out and the gentleman from Mississippi (Mr. TAYLOR). ''We are heading to a future where we will have to double taxes or cut Federal spending by 50 percent.''

Alan Greenspan has been begging this Congress and this administration to deal with the deficit, but nobody seems to be listening.

□ 2245

This is a major problem which requires a solution, and we just seem to be ignoring it and sweeping it under the table like it is not there, but it is there.

Mr. TANNER. Mr. Speaker, if this has not depressed us enough, this year, so far, in 2004, the increase in the privately held debt is $380 billion. The increase in foreign-held debt is $370 billion. Ninety-seven percent of the increase in privately held debt is in the hands of foreigners.

There is a fellow, Alan Sloan, who wrote not long ago in The Washington Post about us financing our government with borrowed money from anywhere on Earth where people will let us have some in exchange for our IOU, and he said this: ''Whose bread I eat, his song I sing.'' What of course he was talking about is, as the gentleman from Mississippi (Mr. TAYLOR) pointed out, when you are in hock all over the world, but particularly to Beijing, and look at what they have done; I cannot believe that this is just happenstance.

Just since 2000, they have increased their holdings of our debt 119 percent. Now, there is a reason for that, and it is not because they see the world the same way the United States does every day. I am not bashing China, other than to say, we are creating a financial liability, a financial vulnerability that is tantamount to a national security issue. There is no other way we can say it. To point that out, there is a former official of the People's Bank of China, the country's central bank, who was recently quoted and said the U.S. dollar is now at the mercy of Asian governments.

I want to tell my colleagues, we not only have a horrendous balance of trade situation with Asia but, if this is true, then we are no longer the architects of our own destiny financially. There is no way this country can be strong and free and put in the position we are in, in hock all over the world, getting worse by the day. Mr. Speaker, 97 percent of the privately held debt this year increased by foreigners.

Mr. STENHOLM. Mr. Speaker, I want to make an observation right here, because I know if any of our colleagues, and we have two on the floor from our friends on the other side of the aisle right now, their thinking right now, if it has been as it has been when we have had open expressions of opposition to some of our solutions, is that you are forgetting to say we are at war, and wars are expensive. No, we are not forgetting for one second that we are at war, and 20 percent of this problem is directly related to the war, 20 percent. I use as my reference for that, Alan Greenspan.

The gentleman from Tennessee brought up another interesting point that really is directly tied to the point the gentleman is making tonight. How many times have we been on this floor worried about the trade deficit? I rhetorically ask the question of my constituency back home many times: How long can America keep sending over $500 billion, exporting our jobs to other countries at the rate we are without the law of economics taking over? I do not know the answer to that question,

and I do not know anybody who does know the answer to that question, but there is an answer, and the market is ultimately going to answer that.

But now, tonight, the gentleman has shown, as Paul Harvey says, the rest of the story. What happens to those dollars when we ship them across to other countries? They come back. They have to come back. They are buying our debt with those dollars. If they did not, we would have a much more serious economic situation almost overnight.

Mr. TANNER. And if they stop, we have a crisis.

Mr. STENHOLM. That is the crisis.

Now, we hear folks saying, well, Charlie, this deficit is not the largest in the history of our country as a percent of GDP, and I concede that point readily, because that is a fact, if we will also use the same GDP figures for spending and for revenue. And having been around this body now for almost 26 years, I tend to go back and see, well, what was it in 1978 when I was elected and what is it in 2004 today. And spending as a percent of GDP by the Federal Government for all programs has gone down one-half of 1 percent. Revenue has gone down by 5 percent. Therefore, we are perfectly willing to borrow from foreign interests that which we demand the right to spend for all of the purposes that we are spending today. And when we hear this, there is another thing; and this is the point I wanted to make.

The current accounts deficit, the gentleman mentioned that, is the largest that it has been in the history of our country today: 6.9 percent of gross domestic product in the current accounts deficit. Mr. Speaker, 3.4 percent is where it was in 1987 when Black Monday occurred and the stock market crashed because of something that happened. As USA Today says today, an oil crisis, something happens, we have a problem. We are double, 100 percent worse off today in the current accounts deficit than we were in 1987.

Well, one other little figure, facts and figures. The gentleman talked about the debt tax. Forty percent of all income taxes paid by the United States citizenry last year went to pay interest on the national debt. Forty percent of all of our taxes are going to pay interest on the debt; and yet the debt, the deficit, and the rising debt is of no problem to the leadership of this House. Mind-boggling.

Mr. TANNER. Mr. Speaker, I yield to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, it is funny how people change. There was a guy who was a Representative from Illinois and he believed in a balanced budget. His name is DENNIS HASTERT. Back when he was just Member HASTERT, he gave great speeches on the House floor about the importance of a Balanced Budget Amendment to the Constitution. So whether the gentleman from Tennessee (Mr. TANNER) is here, whether the gentleman from Texas (Mr. STENHOLM) is here, whether I am here, whether the gentleman from California (Mr. CUNNINGHAM) is here, no matter who is here, the rules are that Congress cannot spend more than they collect in taxes.

The gentleman from Illinois (Mr. HASTERT) he came to the floor back then and said, Mr. Chairman, I rise today in support of a Balanced Budget Amendment. ''It is an amazing statistic that interest payments on our national debt were 5 times higher in 1993,'' we are going back a ways, ''than outlays for all education, job training, and employment programs combined. Clearly, until our monstrous'' then ''$4.3 trillion Federal deficit is eliminated, interest payments will continue to eat away at the important initiatives which the government funds. I will not stand by and watch Congress recklessly squander the future of our children and grandchildren. Mr. Chairman, when I served in the Illinois legislature, the fact that we had a balanced budget amendment to our State Constitution enabled us to practice strong fiscal discipline. We must have the same safeguard at the Federal level. The American people have wanted a Balanced Budget Amendment for a long time because they know it is the only way to force Congress to make the tough spending choices.''

That comes out of the CONGRESSIONAL RECORD March 17, 1994. The gentleman from Illinois (Mr. HASTERT) became Speaker in January of 1999, almost 5 years ago. In the 5 years that he has been Speaker, he has not allowed a single vote on a Balanced Budget Amendment to the Constitution. We have had a number of votes on amending the American Constitution on things that I voted for, things like preventing gay marriage, things like preventing flag desecration, but not a single vote on what I consider to be the most important issue in America right now, and that is passing a law that whether or not the gentleman from California (Mr. CUNNINGHAM), or the gentleman from Texas (Mr. STENHOLM), or the gentleman from Tennessee (Mr. TANNER), or myself, the Speaker, or no matter who sits in our chairs, those people who serve the public will spend no more than they collect in taxes.

I say to the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), we have about 1 week left in this session. I, for one, would like the opportunity to vote on a Balanced Budget amendment. You have blocked it for 5 years now. One of the reasons I will never vote for you for Speaker is because what you said as a Member did not translate into what you did as Speaker of the House.

I believe it is important. Almost every State has laws that say, you cannot spend more than you collect in taxes. In my State of Mississippi, city councilmen and county supervisors are held personally liable if they spend more than they collect in taxes. And guess what? They do not spend more than they collect in taxes. We need that sort of responsibility here.

So I say to the gentleman from Tennessee (Mr. TANNER), thank you for pointing out the evils of the debt. We have outlined some solutions tonight. We are hoping guys like the gentleman from Illinois (Mr. HASTERT) or whoever the next Speaker is will give us a vote on that. And I am ready to do that, I say to the gentleman from California (Mr. CUNNINGHAM), and I hope he is ready to do that. But at the very least, let us have a vote on it. Let us show the American people who is for a Balanced Budget Amendment and who is not. Quit hiding behind the Speaker of the House who, for 5 years now, has blocked that vote, even though he came to this floor on any number of occasions and said how important it was for our Nation to have that.

Mr. STENHOLM. Mr. Speaker, one of the reasons why he has not brought it up is we cannot have the kinds of budgets that have been here in this body for the last 3 or 4 years and get to a balanced budget. We have to change our overall budget philosophy and go back to pay-as-you-go. It is pretty simple arithmetic. We cannot run this country on philosophy. The banks will not lend us money on philosophy all of our lives. At some point, the law of economics is going to take over and as the charts the gentleman from Tennessee (Mr. TANNER) has shown us tonight, if it does not begin to get the attention, which I am glad again today, USA Today put it on the front page, maybe now, tomorrow night in the debates between the two candidates for Vice President, this issue will come up.

Maybe Thursday or Friday night it will become part of the debate, and people will start asking the question, what is your plan? The three of us will be here, hopefully with three friends from the other side of the aisle with a plan; and if we will start working together, we can begin to address this problem. But we cannot do it with the game plan that we are under today. The game plan today is giving the results of what the gentleman is showing us right now in the charts.

Mr. TANNER. Mr. Speaker, I want to thank my colleagues for coming, and we will wrap this up. But there are three things that I hope people who have listened to this tonight will come away with. Number one, we are in an unprecedented spiral of debt. We are borrowing money now faster than this country has ever borrowed it. There is not a reputable economist in this land that thinks that growth can catch up to this debt curve that is plunging us into bankruptcy. Not one reputable economist will say that growth will catch up with this.

As I said earlier at the top of the hour, we are in an airplane; and if we do not do something different, we are in a death spiral. It is going to hit the ground. It is that simple. No question about that.

The second thing is I hope people will realize that as bad as this is, what is

worse is who is financing it. Back in World War II, back in World War I, back any time we had a national crisis in this country and we had to raise money through borrowing, we did it with war bonds and so forth, and people in this country invested in the good of the Nation. That is not happening. We are now mortgaging our country, 90 percent this year. It has gone up 79 percent in the last 4 years. We are borrowing from people who do not have America's best interests at heart. I hope that is the second lesson that comes out of this tonight. Please, if you think that is important, if you know, as I do, that we are creating a financial vulnerability second only as a matter of national security to the war on terrorism, because we will lose control of our own financial destiny, control of our economy if this is not quickly reversed.

And third, the way to reverse it is to immediately establish the rules of pay-as-you-go. Every family does it. If I want to spend some money over here, I have to cut somewhere over here. It is that simple. We all do it. They refuse, the Republican leadership here refuses to put what we call PAYGO rules back in. They work. If you have a good idea, that is fine. How are you going to pay for it? You have to cut somewhere else to do it. We ought to demand, the citizens, the highest officeholders in our land must demand financial accountability that has been sadly and, in my judgment, heart-breakingly absent here. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Speaker, just along the lines of the gentleman from Tennessee (Mr. TANNER), and I am really reminded of it when I see a great American hero sitting across the aisle from us, someone who fought for his country in Vietnam, was an ace, probably has some different views than what we do. But I will say this: I greatly respect the gentleman from California (Mr. CUNNINGHAM), and I greatly respect everyone who has ever served our country. I have enormous respect for all of those fighting in Iraq and Afghanistan tonight.

□ 2300

But I will say this. Those of us who are fortunate enough not to have to fight these wars, ought to at the very least be willing to pay for them right now and not stick those young soldiers and their children with the bill for this war.

That is what is going on. We are just kicking the can. We are asking the kids to fight for us now, and, by the way, when you get home, here is the bill. And if you cannot pay for it, your children and your children's children will pay for it.

Almost every tax on the books, as regrettable as taxes are, almost every tax on the books was put on during wartime. Never in the American history has there been a tax break during a war, never, because every other generation says, we have a challenge we are going to pay for.

This generation needs to step forward as other generations did. And those of us who are fortunate enough not to fight this war ought to at least be willing to pay for it right now.

Mr. TANNER. Mr. Speaker, we want to thank the staff. We apologize for keeping them here this late. This is a message that we hope people will begin to think about.

TO CAST ASIDE A FRIEND

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. CUNNINGHAM) is recognized for half the time before midnight, approximately 30 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I am not going to talk about spending, deficits, taxes, Democrats, Republicans. I am going to do something a little different on the floor. I will talk about a vision for world peace. And the title is ''To Cast Aside a Friend,'' maybe a little different perspective on Saudi Arabia.

There was a speech in which the individual talked about a Saudi businessman who was talking about the murderous events on September 11. We know it as 9/11. The Saudi was worried about the derailment of the partnership and alliance that Saudi Arabia and the United States have enjoyed over the past 60 years for the betterment of a free world, both for Saudi Arabia and for the United States.

I recently visited Saudi Arabia for a couple of weeks, and I want to talk a little bit about what I found there, the support for the United States but yet some of the anger towards the United States, not hatred, but anger.

There has been a fire storm of criticism against Saudi Arabia in the months since 9/11, and the relationships between Saudi Arabia and the United States has been condemned and vilified. I believe Saudi Arabia remains a valuable ally to the United States. The detractors will say that Saudi Arabia is an incubator for terrorism simply because many were Saudis on that flight during 9/11, and they were citizens.

The individuals to whom I spoke in the cabinet and the Shura council, which is like the Congress of the United States, were in disbelief when they were told that Saudis were on that airplane. One of the reasons that some of the people who were reported on those airplanes were still walking around Saudi Arabia, so they said, no, it cannot be. It is misinformation. And when it was proven that it was, they were in disbelief.

If you have a gang of thugs in a city, it does not represent the mainstream of that city. And I found through the citizens I was able to speak to, businessmen, to teachers, to almost every cabinet member, to the Shura council, to women in universities and colleges in Saudi Arabia, and I found nothing but support for the United States, and a lot want to keep the relationship and better the relationship.

Osama bin Laden was targeting Saudi Arabia, not just the United States, and more specifically, he was targeting the relationship between the two countries by using Saudis as hijackers in 9/11. We know he could have used dozens of different nationalities on those airplanes, but Osama bin Laden wants to bring down the Saudi regime which condemned and expelled him years before.

Second, the disparagers will say that Saudi Arabia is an incubator of terrorism because of school systems.

I will be including this because I do not have time tonight to read the whole thing, but it goes into talk about the bank system, the lending system and how Saudis have shut down terrorism.

I would like to first cover what I found about education. We had about 20,000 Saudi Arabian students in the United States before 9/11. One of the fathers sent his son back. He was a senior in college. And after 9/11 he went through the airplane, and INS saw that he was a Saudi student, held up his visa and made the statement, ''Okay, smile for me like a terrorist.''

This is the inhumane treatment that many of the students and the ill treatment that people from the Mideast are receiving when they come back into the United States. So when I say anger by the Saudis, not hate, in some cases, I believe it is justified.

I have an individual in my district. He has been an American citizen for many, many years. His brother still lives in Saudi Arabia. His brother's son, named Bater, came through the airport as he had many, many times to come back to school within the United States. He ended up on some list. No one was able to find out what list or why that list existed.

Upon arrival, he was put in handcuffs and shackled, his legs shackled like a common criminal. He was held at the airport and shipped back to Riyadh. No explanation. When he got back to Riyadh, guess what? The United States found out that the allegations were not true.

Now, can you imagine how my constituent's brother treated him when he came back to Saudi Arabia? He still loves the United States. The son, Bater, loves the United States. But would there be anger? If it was my son, you bet.

These are the kinds of things that Secretary Colin Powell is working on to find out, how do we allow the students to come back into the United States, $1.2 billion just from students coming in from Saudi Arabia? Seventy-five percent of the Saudi cabinet graduated from U.S. schools and colleges and universities. Most of them end up with Ph.D.s. These are the leaders running the country in Saudi Arabia; and every one of them with whom I spoke

supported the United States and wanted to regain that kindling relationship. It is best in their economic and their political lives to be friends with the United States.

One other area that I have heard criticism of Saudi Arabia, that they teach Wahhabism. Eighty-five percent of the curriculum in Saudi Arabia is okay by the United States; 15 percent was marginal; and 5 percent taught intolerance. Well, guess what? The Saudi government under the Crown Prince said, all right, imams, the teachers; they fired over 3,000 of these imams who were teaching intolerance. They have changed the curriculum to go along with a 100-percent okay by the United States. They either fired these imams or they actually threw them in jail, and now, they actually have a school curriculum to purport no intolerance, will be taught within the Saudi schools.

The curriculum had not changed much in 40 years in Saudi Arabia, but they are doing that because they know that is also in their best interest. Now, also, 75 percent of the Shura council, that is like our Congress, Republicans or Democrats or however they are made up over there, but to the person there when I spoke to them, their Shura council supported the United States.

□ 2310

It was an odd thing though, Mr. Speaker. Every person that had just visited the United States and the Cabinet or the Shura Council had not made those personal relationships, not made friendships, learned our economic system, learned why a free society is good. They rejected the United States and said I do not need the United States; I will send my son to Australia, or New Zealand or to England to learn.

My fear, Mr. Speaker, is that in a very short time we have 75 percent of the Cabinet and the Council and the leadership in Saudi Arabia that is very strong supporters of the United States. If we lose that relationship because their sons and their daughters and this generation is going to other countries to study, we are going to lose that mass friendship toward the United States and the support that we have today, and that is scary.

The next generation will be lost. Many of the businesses that support the United States are now purporting to Russia and China and Vietnam to New Zealand and Australia. We are losing $40 billion a year in just trade and business because of the way that we are treating Saudi Arabia.

One of the key issues I think in the relationship is visa delay. It is critical. Secretary Colin Powell, when I spoke to him, is working diligently to make sure that we improve the visa situation and at the same time ensure national security and homeland security in visa issuance. That is a difficult task but we have got to do it. These visa restrictions are alienating students and the Saudi people themselves.

In medical care and health care, most Saudis come to the United States for their health care. One of the groups were talking about health care a minute ago, but our hospitals and doctors lose over $1 billion a year from Saudis coming to our hospitals. When you take a look at the hotels, the restaurants, the transportation that they use, the firms that they contact for business, we are looking in excess of $15 billion a year that the United States loses in revenue. Four hundred in new business opportunities have been lost between 2003 and 2004.

Colin Powell once said that like our Statue of Liberty our Nation has a spine of steel but our torch is a welcome torch, and that is all we are trying to do, Mr. Speaker, is to make sure that our longest-serving friend in the Middle East, Saudi Arabia, remains our friend, and we castigate those that would say otherwise.

I would be a fool to say that Saudi Arabia does not have its own problems. Are there people that want to kill us in Saudi Arabia? Absolutely, but I want to tell my colleagues, there are other areas in what I looked at as well.

The leadership in Saudi Arabia escorted me to several banks where I witnessed American, Canadian and British auditors in every bank making sure that every single dollar that goes through there is legitimate and not going to service terrorism. They have taken their charities into one group, and anyone that invests in a charity cannot do it with cash. You cannot use an ATM card. You cannot use a credit card. The individual that puts the money into the charity has got to be identified and identify where the money is going to, penny for penny. We could not do that in this country, but yet Saudi Arabia is trying to cut off any fiscal resources that the terrorists could use, both through money laundering in their banks or through charities, and they have done a good job.

It is not just with the United States. They are working with Interpol. They are working with MI5. They are working with our intelligence services on a day-to-day basis on banking, on money laundering, on charities.

Mr. Speaker, I sit on the Permanent Select Committee on Intelligence, and I cannot get into a lot of it, but I want to tell my colleagues that the intelligence that we receive from Saudi Arabia rivals the information that we receive from our strongest allies, and I want to tell my colleagues also, Mr. Speaker, they are suffering miserably against al Qaeda. Just in the past weeks they have killed or captured 300 al Qaeda, at a loss of many of their police and their own military. Many have realized that if they pet the wolf, the wolf is going to bite them. They are in full array trying to share as much information as they can with us and our allies.

Crown Prince Abdallah Aziz and King Fahd are visionaries, Mr. Speaker. I would like to submit for the RECORD copies of initiatives and actions taken by Saudi Arabia to combat terrorism. There are reams of pages of loss of life of Saudi police and military that talks about the captures in here. It documents it. It talks about their international cooperation, the regard to charitable organizations, combat money laundering, legal and regulatory actions.

I would also like, Mr. Speaker, to submit for the RECORD political and economic reforms in the kingdom of Saudi Arabia, and somewhere in here I think most importantly are the public statements by senior Saudi officials condemning extremism and promoting modernization.

POLITICAL AND ECONOMIC REFORM IN THE KINGDOM OF SAUDI ARABIA

The Government of Saudi Arabia has implemented a number of political and economic reforms to encourage political participation, promote economic growth, increase foreign investment and expand employment opportunities. The Kingdom has been updating and modernizing its academic curricula, and monitoring its religious schools. It plans to hold municipal elections as part of a comprehensive streamlining of local government. In addition, the Kingdom is promoting its free market economy by privatizing twenty major state enterprises, establishing fourteen regulatory authorities to carry out reforms, improving foreign investment laws, revising a broad range of commercial laws and implementing intellectual property rights to foster innovation. It is also becoming a more significant player in international trade by seeking membership in the World Trade Organization (WTO).

SAUDI ARABIA AND REFORM IN THE ARAB WORLD

In January 2003, the Kingdom of Saudi Arabia presented a bold initiative entitled 'Charter to Reform the Arab Position' to encourage economic and political reform in the Arab world.

The Charter urges Arab states to recognize the need for internal reform and greater participation by citizens in the political process as important steps toward the development of Arab human resources and the democratization of the Arab world.

The initiative calls on Arab states to implement a Greater Arab Free Trade Zone by the end of 2005. The goal of this agreement is for Arab states to implement unified tariffs and duties within 10 years, which will serve as the basis for the establishment of a Common Arab Market (CAM). It also encourages members of the League of Arab States to modernize local economies, privatize government-owned industries and open economic development opportunities to outside investment and participation.

At the end of the 16th Arab Summit in Tunis, May 22–23, 2004, Saudi Arabia along with the other 21 members of the Arab League issued the ''Tunis Declaration'' and pledged to carry out political and social reforms, promote democracy, expand popular participation in politics and public affairs, and reinforce women's rights.

SAUDI ARABIA AND POLITICAL INITIATIVES AND LEGISLATION

In 1992, Custodian of the Two Holy Mosques King Fahd bin Abdulaziz introduced three major political developments to modernize the government within the framework of the Kingdom's traditions:

The formation of the Consultative Council (Majlis Al-Shura)—The Consultative Council currently consists of 120 members who serve four-year terms.

The establishment of Consultative Councils in each of the 13 provinces of Saudi Arabia—The Consultative Councils are composed of leading citizens who help provide input and review management of the provinces by their respective local governments.

The introduction of the Basic Law of Governance—The Basic Law is similar to a constitution.

On November 29, 2003, King Fahd approved changes that would enhance the legislative role of the Consultative Council. The amendments to Articles 17 and 23 of the Consultative Council System grant the Council the power to propose new bills or amendments to regulations in force and debate such proposals without prior approval from the King.

Elections

On October 13, 2003, Saudi Arabia approved groundbreaking plans to streamline local and municipal governments by introducing elections for half of the members of each municipal council to ensure that citizens have a strong voice in local affairs. A one-year period was given to the authorities responsible for managing and finalizing the election procedures.

The proposal for elections marked an important step in the Kingdom's ongoing reform agenda and followed King Fahd's address to the Consultative Council on May 17, 2003, where he said: '' I would like to confirm that we will continue on the path of political and economic reform. We will work to improve our system of government and the performance of the public sector and broaden popular participation in the political process.''

On July 10, 2004, Saudi Arabia announced that the basic regulations and systematic procedures for the election process had been established, and that committees had worked through the details for establishing election centers, registering voters and candidates and setting deadlines in the election of members in 178 municipal councils across all cities and villages in the Kingdom's 13 provinces.

On September 7, 2004, the Minister of Municipal and Rural Affairs Prince Met'eb bin Abdulaziz issued directives that a committee be set up to supervise the upcoming municipal elections in Riyadh Province. The committee, affiliated with the Ministry's general committee for the election process, will supervise implementation of the rules and regulations and all other preparatory and executive works.

In addition, Saudi Arabia briefed a visiting team of United Nations experts on the measures completed by the Ministry of Municipal and Rural Affairs relating to the elections, and the UN team held meetings with the committees supervising the process.

On September 11, 2004, dates were announced for the three phases of the election process: for Riyadh province, February 10, 2005, with voter registration from November 23 to December 22, 2004; for the four southern provinces and the Eastern Province, March 3, 2005, with voter registration from December 14, 2004, to January 12, 2005; and for the rest of the country, April 21, 2005, with voter registration from February 15 to March 16, 2005. Candidates can register for the three phases December 26 to 30, January 30 to February 3, and March 20 to 24, respectively.

King Abdulaziz Center for National Dialogue

On August 3, 2003, Crown Prince Abdullah announced the establishment of the King Abdulaziz Center for National Dialogue to promote the public exchange of ideas as an essential part of life in Saudi Arabia. So far, three rounds of talks have taken place, covering standards of education, the emergence of extremism, and the role of women. The next national dialogue will be in October 2004 and will focus on youth issues. In his address to the European Policy Centre on February 19, 2004, Saudi Arabia's Minister of Foreign Affairs Prince Saud Al-Faisal said: ''The Center for National Dialogue was established with a broad agenda including, but not limited to, reassessment of the standards of education; dealing with the emergence of extremism; the essential role women should play in society; and institutional development. Diversity and tolerance are the guiding principles.''

National Human Rights Association (NHRA)

In March 2004, Custodian of the Two Holy Mosques King Fahd bin Abdulaziz approved the establishment of the first independent human rights organization in Saudi Arabia. The National Human Rights Association (NHRA) implements the international human rights charters signed by the Kingdom. The NHRA, which includes a special panel to monitor violations of women's rights, was formed following the October 2003 human rights conference entitled ''Human Rights in Peace and War''. The human rights conference concluded with the issuance of the ''Riyadh Declaration'' which states that respect for human life and dignity is the foundation of human rights; that a human being deserves respect, regardless of race, color or sex; that violation of human rights is a crime deserving severe punishment; that to hold a human being in custody without legal basis is forbidden by Islamic laws; that disregard for privacy and property rights is a violation of human rights; and that tolerance of faith is required by Islam, which also prohibits coercing people to follow a certain religion.

Press law

On July 17, 2001, the Kingdom endorsed a 30-article law to restructure the press industry and allow journalists to establish a trade association. On February 24, 2003, the Saudi Journalists Association was officially established to protect the rights of journalists in the Kingdom and coordinate relations between journalists and the media establishment, and on June 7, 2004, elected a nine-member board that includes two women. In March 2004, the Consultative Council passed a resolution urging the Ministry of Culture and Information to encourage greater freedom of expression in the Saudi media, and to open up opportunities for investment in the media to the Saudi private sector.

Education

In Saudi Arabia today, there are eight public universities, more than 100 colleges and more than 26,000 schools. Some five million students are enrolled in the education system, which boasts a student to teacher ratio of 12.5 to 1—one of the lowest in the world. Of the 5.2 million students enrolled in Saudi schools, half are female, and of the 200,000 students at Saudi universities and colleges, women comprise more than half of the student body. The government allocates about 25 percent of the annual state budget to education. Recent initiatives include:

In February 2002, Saudi Arabia initiated a process of evaluating and assessing its school curriculum. This audit determined that about five percent of textbooks contained possibly offensive language. A program was put into place to eliminate such material and textbooks and curricula have been updated and modernized. Two pilot programs, one in Riyadh and one in Jeddah, have been established to experiment with new teaching methods.

Student councils are being set up in public schools to begin educating young Saudis about civic responsibilities and participatory governance.

In August 2002, the Department of Statistics reported that 93.2 percent of Saudi women and 89.2 percent of Saudi men are literate.

Saudi Arabia is open to foreign investment for private higher education.

In October 2003, Dr. Maha Abdullah Orkubi was appointed Dean of the Jeddah branch of the Arab Open University (AOU), the first time for a Saudi woman to be appointed to such a senior academic position.

Saudi Arabia has introduced English language classes to the Sixth Grade for the 2004–2005 academic year in order to improve English teaching at intermediate and secondary schools.

Religion

During 2003, two thousand imams who had been violating prohibitions against the preaching of intolerance were disciplined or removed from their positions, and more than 1,500 have been referred to educational programs. The Ministry of Islamic Affairs has begun a three-year program to educate imams and monitor mosques and religious education to purge extremism and intolerance. On April 27, 2004, at a reception in New York co-sponsored by the U.S.-Saudi Business Council and the Council on Foreign Relations (CFR), Saudi Arabia's Minister of Foreign Affairs Prince Saud Al-Faisal explained: ''It is the religious establishment in Saudi Arabia that in fact is proving to be the body most qualified to de-legitimatize Al-Qaeda's claims, the very religious community that is being attacked and discredited.'' For more information about the efforts of Saudi Arabia's religious establishment, please consult the ''Public Statements by Senior Saudi Officials Condemning Extremism and Promoting Moderation'' report, which can be found on the Embassy web site at <www.saudiembassy.net>.

Judicial Regulations

Saudi Arabia has recently passed several important regulations to ensure a fair and balanced justice system, including:

Law of Procedure Before Shari'ah Courts

In September 2001, Saudi Arabia passed the Law of Procedure Before Shari'ah Courts to regulate the rights of defendants and legal procedures. In addition to granting defendants the right to legal representation, the law outlines the processes by which pleas, evidence and experts are accepted by the court.

Code of Law Practice

In January 2002, the Code of Law Practice went into effect in Saudi Arabia. The law outlines the specific requirements necessary to become an attorney, including education, registration and admission to the courts as well as licensing. The law also defines the duties and rights of lawyers, including the right of attorney-client privilege.

Criminal Procedure Law

In May 2002, the Criminal Procedure Law, a 225-article bill, was passed to regulate the rights of defendants and suspects before the courts and police. The law protects a defendant's rights with regard to interrogation, investigation, and incarceration and also grants the defendant access to the Bureau of Investigation and Prosecution. Members of the Bureau of Investigation and Prosecution are to ensure, through visits, that the rights of the defendants and persons in custody are being protected. The law also outlines a series of regulations that justice and law enforcement authorities must follow during all stages of the judicial process, from arrest and interrogation, to trial and the execution of verdicts, ensuring that the judicial process remains fair and balanced.

In April 2004, the Ministry of Justice organized a symposium on the Kingdom's judicial system. The communiqué declared that

Shariah [Islamic Law] is viable at all times and places; that legal procedures should be filed in a manner that supports the individual's rights and penal procedures should reflect human dignity in accordance with Shariah; and that equal rights should be extended to individuals with regard to legal aid in all phases of penal lawsuits of a public nature.

SAUDI ARABIA AND ECONOMIC INITIATIVES AND LEGISLATION

Applying for accession to the World Trade Organization (WTO)

Saudi Arabia is one of the largest economies outside the World Trade Organization (WTO). Recent steps toward privatization and market liberalization have called for fresh negotiations on Saudi Arabia's bid to join the WTO. In the accession process, the Kingdom is negotiating bilateral agreements with current WTO members while adopting the organization's various trade rules. The Kingdom of Saudi Arabia and the European Union signed a bilateral agreement on August 31, 2003, guaranteeing free access to goods and services. Moreover, Saudi Arabia has already signed 35 bilateral trade agreements with other members of the WTO, including China, Japan, Canada, Brazil, Argentina and Australia. Talks between Saudi Arabia and the United States are ongoing in mid-September, 2004.

On July 5, 2004, the Council of Saudi Chambers of Commerce and Industry (CSCCI) announced plans to set up early next year a center that will provide technical and support services to Saudi businesses in preparation for the Kingdom's accession to the WTO.

Copyright Law

On June 9, 2003, the Council of Ministers endorsed the Copyright Law, a 28-article document that meets the requirements of the World Trade Organization's Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), placing Saudi Arabia one step closer to entry in the WTO. The law protects intellectual property including print publications, lectures, audio recordings, visual displays, as well as computer programs and works of art. The law establishes a range of fines and actions that can be effected for copyright violations. Saudi Arabia has also joined the Universal Copyright Convention and the Berne Convention for the Protection of Literary and Artistic Works to further protect intellectual property and encourage continued development and innovative thinking.

Patent Law

On July 17, 2004, the Council of Ministers approved a 65-article law on patents, integrated circuits, plant varieties and industrial designs. The new law also meets the requirements of TRIPS and the Paris Agreement for Industrial Property.

The Capital Markets Law

On June 16, 2003, the Council of Ministers passed the Saudi Arabian Capital Markets Law. The law will stimulate and strengthen the Saudi economy and increase the participation of Saudi citizens in the capital markets. The law:

Establishes the Saudi Arabian Securities and Exchange Commission (SASEC) to protect investor interests, ensure fair business, promote and develop the capital market, license brokers and offer securities to the public.

Establishes the Saudi Arabian Stock Exchange (SASE), which will incorporate the national securities depository center.

Foreign Investment Law

The Foreign Investment Law, enacted by the Saudi Arabian General Investment Authority (SAGIA), was set up to allow foreign investors to own property, transfer capital and profits, claim full ownership of their projects and enjoy a reduction in tax rates. The law protects foreign investors from confiscation of property without a court order or expropriation of property, except for public interest, against an equitable compensation. In August 2002, SAGIA passed an amendment to the Executive Rules of the Foreign Investment Act strengthening the legal framework, allowing foreigners to, for instance, own land and avoid double taxation.

Capital Gains Tax

On January 12, 2004, the Cabinet cut the capital gains tax on foreign investors from 45 percent to 20 percent and fixed the tax on natural gas at 30 percent.

U.S.-Saudi Council for Trade and Investment

On July 31, 2003, Saudi Arabia and the United States signed an agreement to strengthen commercial and investment relations. As a result, the U.S.-Saudi Council for Trade and Investment was established to meet at least once a year to enable representatives of both countries to review the signing of additional agreements on trade, protection of intellectual property rights, investment, vocational training and environmental issues. There are 337 joint ventures between the two countries with a total investment of more than $21 billion. American companies are the largest group of foreign investors in the Kingdom.

Enacting the GCC Customs Union

The Customs Union was established on January 1, 2003, by the Gulf Cooperation Council (GCC) to standardize customs duties in the six member countries. In accordance with the Customs Union, the Government of Saudi Arabia approved the reduction to 5 percent of customs for goods formerly charged between 7 and 12 percent. In addition, the GCC agreed to the principle of a single port of entry. Most related laws and regulations will be standardized by the end of 2005.

SAUDI ARABIA AND AGENCIES THAT PROMOTE REFORM

The following is a list of agencies established to help implement economic reform in Saudi Arabia.

Supreme Economic Council (SEC)

In August 1999, Saudi Arabia announced the formation of the Supreme Economic Council (SEC). The SEC evaluates economic, industrial, agricultural and labor policies to assess their effectiveness. Privatization efforts have gained momentum since the creation of the SEC, which oversees economic restructuring aimed at opening up Saudi markets and attracting investments.

Supreme Council for Petroleum and Minerals (SCPM)

Saudi Arabia established the Supreme Council for Petroleum and Minerals (SCPM) in January 2000, as a body responsible for policymaking on the exploitation of petroleum, gas and other hydrocarbon materials. The SCPM passed the Gas Initiative to develop natural gas fields, transmission pipelines and petrochemical projects in cooperation with international as well as national companies.

Supreme Commission of Tourism (SCT)

The Supreme Commission of Tourism (SCT) was established in April 2000 to help the tourism sector grow and encourage investment from the private sector. Each year, two million Muslims from all over the world visit Saudi Arabia to perform the Hajj, and many more come to perform the minor pilgrimage of Umrah. The Kingdom is a popular destination for non-religious activities as well. The Kingdom is rich in history and culture and has a variety of tourist attractions to offer, including archeological sites, varied landscapes and shorelines rich in marine life. On March 15, 2004, the Cabinet approved a general strategy for developing the nation's tourism to be carried out by the SCT. The Kingdom's tourist industry is expected to create 489,000 jobs, a number that could reach as high as 2.3 million.

Saudi Arabian General Investment Authority (SAGIA)

In April 2000, the Saudi Arabian General Investment Authority (SAGIA) was set up to further promote foreign investment and serve the business community as a one-stop shop for licenses, permits, and other business paperwork. The 2000 Foreign Investment Law included property ownership rights for foreign investors as well as reduced tax rates for businesses. SAGIA works with the Supreme Economic Council (SEC) and the Supreme Commission of Tourism (SCT) and serves as a mediator between investors and the government.

Food and Drugs Authority (FDA)

In March 2003, a Food and Drugs Authority (FDA) was established to provide consumer protection and ensure the safe utilization of all foodstuffs, pharmaceuticals, medical devices and electronic products.

The Council of Saudi Chambers of Commerce and Industry (CSCCI)

The Council of Saudi Chambers of Commerce and Industry represents the regional Chambers of Commerce and Industry at both national and international levels. The Council monitors and researches economic issues, helps encourage economic growth, organizes seminars and conferences both within the Kingdom and abroad, and creates foreign investment opportunities through trade missions to other nations. In addition, the Council's work has resulted in the issuance of new regulations that allow foreign businessmen, investors, and representatives of foreign firms to acquire entry visas to the Kingdom without having to consult with the Ministry of Foreign Affairs.

ECONOMIC INDICATORS

The best indicator of Saudi Arabia's economic growth is the increase in the Gross Domestic Product (GDP), from $20 billion in 1970 to $211.20 billion in 2003. Saudi Arabia's current economy is now the largest in the Middle East.

In 2003 and 2004, Saudi Arabia was given ''A'' credit ratings by 'Standard and Poor's' for longterm local currency and foreign currency, based on the Kingdom's macro-economic stability and substantial external liquidity.

Today, Saudi Arabia is the world's 25th largest importer/exporter, with foreign trade of $78 billion. In 2003, trade between Saudi Arabia and the United States totaled more than $22 billion.

Saudi Arabia is the world's largest oil exporter and has the world's largest spare production capacity. The Kingdom has utilized oil revenues to expand and diversify the Saudi economy to reduce its dependence on oil, which has resulted in impressive gains in the non-oil sector. In 2003, the non-oil industrial sector is estimated to have grown by 3.9%; the construction sector by 2.8%; electricity, gas, and water by 6.2%; transport and communications by 4.3%; and wholesale, retail, restaurants, and hotels by 4.4% in real prices.

In 1975, Saudi Arabia had about 470 industrial plants with overall investments estimated at $2.7 billion. By 2001, the total number of factories in the Kingdom exceeded 3,300 with a total investment of more than $90 billion.

The role of the private sector has increased substantially with its GDP rising 28-fold in real terms from 1973 to 2002. Over that period, non-oil exports increased from $26 million to over $10 billion, and in 2003, the private sector GDP is estimated to have grown by 3.7% in current prices and 3.4% in real terms, according to Deputy Governor of the Saudi Arabian Monetary Agency (SAMA) Muhammed Al-Jasser in a speech in April 2004.

The all-share index on the Saudi stock exchange stood at 4384 as of December 11, 2003, compared to 2518 at the beginning of the year, representing an increase of more than 74%. Value of shares traded amounted to $143.2 billion at the end of November 2003, compared to $35.73 billion in 2002. In May 2004, the index reached 6455.

In the past decade, Saudi Arabia's 10 licensed commercial banks have seen a substantial growth in domestic banking. In 2003, combined capital and reserves of the banks increased to $12.5 billion with total assets of $145 billion. Recently, eight leading money exchangers operating throughout the Kingdom agreed to merge and form the Al-Bilad Bank, which will be Saudi Arabia's eleventh commercial bank. The Al-Bilad Bank has a capital of $.08 billion and is expected to launch its operations in the first quarter of 2005.

''The underlying goal of these reforms is to realize the country's vast economic potential while creating new opportunities both inside and outside Saudi Arabia, and to expand and diversify the Kingdom's economy while creating job opportunities for a rapidly growing population.''—Ali Al-Naimi, Minister of Petroleum and Mineral Resources, July 22, 2003.

SAUDI ARABIA AND PRIVATIZATION

In November 2002, the Kingdom of Saudi Arabia announced plans to privatize many of its vital economic sectors. The Supreme Economic Council (SEC) has taken overall charge of the program, specifying the sectors to be privatized and setting out a strategic plan and timetable for the privatization program. Sectors open to privatization include: telecommunications, civil aviation, desalination, highway management, railways, sports clubs, health services, government hotels, municipal services, education services, operation and management of social service centers, Saudi employment services, agricultural services, construction and management of abattoirs, public parks and recreation centers, and cleaning and waste collection. Concrete examples of privatization efforts include:

Telecommunications

In December 2002, the Saudi Telecom Company (STC) was privatized, and 30 percent of its shares were sold to the public in an Initial Public Offering (IPO) that raised more than $4 billion.

Postal services

In 2002, the Saudi government approved the transfer of the responsibilities of the state-run postal services from the Ministry of Posts, Telegraphs and Telephones (PTT) to the private sector. In January 2003, Dr. Khaled Al-Otaibi, Director General of Posts at the Ministry of Posts, Telegraphs and Telephones (subsequently renamed Telecommunications and Information Technology), reported that privatization of the postal services has been operating successfully, with about 100 agencies established by the private sector.

Saudi Railway Organization (SRO)

On April 11, 2004, General President of the Saudi Railways Organization (SRO) Khaled AlYahya confirmed that three major rail projects have been approved by the Supreme Economic Council (SEC) for immediate implementation by the private sector. The first project will extend the existing Dammam-Riyadh line to Jeddah. The second will connect Makkah with Madinah through Jeddah. The third will link Riyadh with the phosphate and bauxite mines in the provinces of Qasim and Northern Borders.

Airports

The Kingdom will privatize the management and operation of local and international airports. However, airport security will remain in the hands of the government. Saudi Arabia has 24 domestic airports and three international, in Riyadh, Jeddah and Dammam.

Saudi Arabian Airlines (SAA)

Saudi Arabian Airlines is the largest airline in the Middle East, with a fleet of 117 aircraft carrying more than 12 million passengers per year to 50 cities on four continents. Research has begun for its partial privatization. The privatization effort promises to be a successful endeavor resulting in increased revenues and enhanced performance. In addition, the SEC approved, in June 2003, the opening of the Saudi aviation sector to private enterprise, giving private companies the opportunity to provide domestic airline services.

Ports Authority

The Ports Authority has assigned several projects to the private sector to expedite the handling of goods and maritime services at the Kingdom's eight seaports. For example, at the Jeddah Islamic Port and the King Abdulaziz Port in Dammam, the King Fahd Vessel Repair Yard (located at both ports) and the two areas for processing re-exports are now leased by the private sector.

Health care sector

The Ministry of Health strongly supports the privatization of some state-run hospitals, and in 2003 employed a private company to promote its pre- and post-natal healthcare education program, with the program introduced in more than 85 percent of the Kingdom's hospitals. To further privatization efforts, on October 28, 2003, the Minister of Commerce and Industry, Dr. Hashem bin Abdullah Yamani, approved the formation of a joint stock company for medical care that will establish, own and manage health facilities, including hospitals.

Urban transportation system

Transportation Minister Dr. Jubarah Al-Suraiseri announced in August 2003 that plans are under way to privatize and reorganize Saudi Arabia's urban transportation system.

National Company for Cooperative Insurance (NCCI)

On May 18, 2004, the SEC approved selling off government shares in the Arab world's largest insurance company, the National Company for Cooperative Insurance (NCCI). The sale of government shares in NCCI will help open up the Kingdom's insurance market, which is estimated at more than $2.5 billion. NCCI has assets of about half a billion dollars and is the only insurance company officially licensed in Saudi Arabia.

Saudi Arabian Mining Company ''Ma'aden''

On May 19, 2004, the SEC approved the privatization of the Saudi Arabian Mining Company ''Ma'aden'', which is wholly owned by the Ministry of Petroleum and Mineral Resources. As a first step toward privatization, ''Ma'aden'' is setting up a unit to study and evaluate the precious and base metals sector starting January 1, 2005.

''First of all, I wish to make clear that the government of Saudi Arabia has since the very beginning been extremely supportive of the private economic sector.''—Crown Prince Abdullah, Asharq Alawsat, (Arabic daily), May 13, 2002.

SAUDI ARABIA AND FOREIGN INVESTMENT

In April 2000, the Saudi Arabian General Investment Authority (SAGIA) was set up to further promote foreign investment and serve the business community as a one-stop shop for licenses, permits, and other business paperwork. Since its establishment, SAGIA has licensed more than 2,000 projects worth around $15 billion.

Telecommunications

The Saudi Communication Commission (SCC) was established on December 29, 2001, to open up the market and enable foreign companies to invest in telecommunications. On August 10, 2004, the Council of Ministers licensed UAE's Etisalat to establish and operate the second mobile phone network that includes GSM service.

Insurance

A new Insurance Law was passed on July 14, 2003, that will establish legal structures governing insurance and reinsurance transactions in the Kingdom. Foreign companies are encouraged to invest in the insurance sector.

Saudi Railway Organization (SRO)

In January 2003, the Kingdom of Saudi Arabia short-listed eight foreign companies to consult on the three railway projects to connect the western Red Sea port of Jeddah with the eastern Arabian Gulf port of Dammam, link Jeddah to the holy cities of Makkah and Madinah, and give access to mining projects in the north.

Energy sector

Agreements worth more than $7 billion have been reached with international oil companies for investments in the energy sector, including a project with Royal Dutch/Shell and TotalFinaElf, to develop upstream gas operations in the southern part of the Empty Quarter [Rub' al-Khali]. These are the first of what is expected to be a total of more than $25 billion of investments over the next few years.

Mining

In April 2003, the Minister of Petroleum and Mineral Resources announced that a new mining strategy was being finalized to bolster private investment in the mining sector. The Mineral Investment Act was passed on September 13, 2004; it will create jobs and allow local and foreign investors to explore the country's mineral resources. The Kingdom is rich in minerals such as phosphate, iron ore, bauxite, zinc, and copper.

Health care sector

The new laws facilitating the transfer of certain state-run hospitals to the private sector will allow foreign investors to own hospitals. The foreign investor does not need to have a medical background and does not require a Saudi sponsor.

Water and Electricity Sector

In August 2003, the Ministry of Water and Electricity invited Saudi and international companies to bid on water desalination and electricity projects worth more than $8 billion. The offers were extended in March 2004.

SAUDI ARABIA AND OIL

In 2003, Saudi Arabia's oil revenue totaled $85 billion. The Kingdom has always acknowledged that unstable energy markets and unrealistically low or high oil prices harm both producers and consumers. Following the horrific attacks on September 11, 2001, the Kingdom dispatched 9 million additional barrels of oil to the United States to ensure price stability and availability. In the fall of 2002, in order to maintain market stability, Saudi Arabia boosted oil production

to compensate for the fall in Venezuelan production, and in the spring of 2003, it boosted output to compensate for the loss of Iraqi production.

On August 11, 2004, Saudi Arabia's Minister of Petroleum and Mineral Resources Al-Naimi stated: ''The Kingdom of Saudi Arabia, in collaboration with the other OPEC countries, endeavors to ensure the stability of the international oil market and prevent oil prices from escalating in a way that may negatively affect the world economy or oil demand. To achieve this goal, the Kingdom has increased its production during the last three months to meet the growing demand for Saudi oil. This increase amounted to more than one million barrels per day, bringing to more than 9.3 million barrels daily the average production of the Kingdom during the past three months.''

SAUDI ARABIA AND ECONOMIC DIVERSIFICATION

Over the past three decades, the non-oil sector of the Saudi economy has grown from 35 percent to more than 60 percent of total GDP.

Production of gas—Natural gas is used for the Kingdom's domestic consumption for power generation, seawater desalination and various other functions, primarily in the petrochemical industry. With 234 trillion cubic feet of natural gas reserves in 2002, the Kingdom has the fourth largest non-associated gas reserves in the world, and they are still growing. Part of the Kingdom's oil and gas strategy includes expanding the capacity of the gas network from 3 billion to 7 billion cubic feet.

Mining—Saudi Arabia has the largest supply of mineral resources in the region, including precious, base and industrial minerals. The government is encouraging enterprises for extracting and processing these minerals—an area where U.S. companies play a major role.

Construction Materials—The Kingdom of Saudi Arabia is the largest producer of construction materials in the Middle East, and construction is the Kingdom's largest non-oil industry. According to the National Commercial Bank (NCB), the largest bank in Saudi Arabia, the construction and building materials sector currently contributes an annual $12 billion to the Saudi economy. Saudi Arabia's construction products, including cement, tiles, marble, glass, granite, cable, air-conditioning equipment and fabricated iron and steel, are all exported throughout the region.

Pharmaceuticals—Saudi Arabia has a $1.17 billion pharmaceutical market estimated to grow at 15 percent annually. With more than 2,400 pharmacies and more than 4,600 registered drugs, both generic and patented, Saudi Arabia is the largest consumer of pharmaceuticals in the Gulf region. The United States exported more than $82 million worth of pharmaceuticals to the Kingdom in 2001, a 47 percent increase from the previous year.

Banks—On October 6, 2003, during a visit by German Chancellor Gerhard Schroeder, the Kingdom gave Deutsche Bank approval to open a branch and operate as the first independent, wholly foreign-owned bank in Saudi Arabia. Additional possibilities for wholly foreign-owned banks in Saudi Arabia include BNP Paribas Bank of France and J.P. Morgan Chase Bank.

Stock Exchange—The Stock market has developed significantly over the past decade and is, by far, the largest in the Middle East. Value of shares traded amounted to $143.2 billion at the end of November 2003, compared to $35.73 billion in 2002.

SAUDI ARABIA AND EMPLOYMENT

The following information is based on data on the labor force from the Central Department of Statistics (CDS) of Saudi Arabia's Ministry of Economy and Planning for the year 2002.

Employment figures

The total population in Saudi Arabia increased from 12 million in 1980 to more than 20 million in 2000. The Saudi labor force is defined as all Saudis, 15 years of age and older, who are either employed or seeking a job, and in 2002 amounted to 3.15 million (consisting of 2.68 million males and 465,000 females) with an unemployment rate of 9.6 percent. The Kingdom is involved in various initiatives to increase employment levels among young people and women.

The creation of job opportunities

The Saudi government seeks to create jobs through the various reforms addressed in this booklet such as economic diversification, privatization, opening up the market and other initiatives, including:

The National Program for Training and Employment

The National Program for Training and Employment helps Saudi citizens find jobs in both the public and private sectors. The Program is responsible for the creation of job opportunities, job training and Saudization.

Saudization

Saudization is a measure that applies limitations to the number of foreign workers employed in order to slowly increase dependency on Saudi workers. In 2002, the non-Saudi labor force amounted to 3.09 million. The government continues to provide incentives to create more employment opportunities for its citizens as well as provide incentives for participation in job training.

Centennial fund

On July 8, 2004, Custodian of the Two Holy Mosques King Fahd bin Abdulaziz approved the formation of a charitable foundation called the ''Centennial Fund'' that will provide assistance to all Saudi citizens, both men and women, who seek to achieve economic independence by setting up small business enterprises. On July 20, 2004, the Centennial Fund signed an agreement with the Saudi Arabian General Investment Authority (SAGIA) to work together in helping Saudi entrepreneurs to translate their commercial ideas into projects.

Employment of women

In 2002, there were 465,000 Saudi women in the labor force; this represents 15 percent of the total Saudi labor force. Saudi women are owners or part owners of more than 22,000 businesses. Accounting, banking and computer training centers have been established to prepare women for jobs, and as a result, more opportunities have opened up for women, including those in the technological, automotive and other industrial sectors.

INITIATIVES AND ACTIONS TAKEN BY THE KINGDOM OF SAUDI ARABIA TO COMBAT TERRORISM

Following the horrific events of September 11, an international coalition composed of more than 100 nations was formed to combat terrorism. Saudi Arabia is an active partner in this coalition and has been working diligently with the United States and other nations to destroy terrorist organizations and eliminate the threat they pose to the international community.

Saudi Arabia, as the birthplace and cradle of Islam, has a very special role to play in the war on terrorism. Its opposition to Al-Qaeda's hateful ideology sends a clear message to the world that these extremists and their cult do not represent the peaceful Islamic religion. This stand has unfortunately made the Kingdom even more of a target, but the people of Saudi Arabia are determined not to let terrorism destroy their country or corrupt their faith.

The attached report is a compilation of the Kingdom's counter-terror efforts to date. The people of Saudi Arabia remain staunch allies of the international community in its campaign against terrorism.

In its efforts to confront terrorism, Saudi Arabia has: Questioned thousands of suspects; arrested more than 600 individuals; dismantled a number of Al-Qaeda cells; seized large quantities of arms caches; extradited suspects from other countries; and established joint task forces with the United States.

''I vow to my fellow citizens and to the friends who reside among us, that the State will be vigilant about their security and well-being. Our nation is capable, by the Grace of God Almighty and the unity of its citizens, to confront and destroy the threat posed by a deviant few and those who endorse or support them. With the help of God Almighty, we shall prevail.''—Crown Prince Abdullah bin Abdulaziz, Deputy Prime Minister and Commander of the National Guard, May 13, 2003.

ARRESTS AND QUESTIONING OF SUSPECTS

Saudi intelligence and law enforcement authorities have been working closely with the United States and other countries as well as with Interpol to identify, question and when appropriate, arrest suspects. Since September 11, Saudi Arabia has questioned thousands of suspects and arrested more than 600 individuals with suspected ties to terrorism.

Specific actions

On September 5, 2004, three security officers were killed when their car caught fire after being hit by gunfire while pursuing a suspect vehicle. The officers were part of a security force carrying out operations in the southern part of the city of Buraidah. Seven militants were arrested in the operation. The deaths of Sergeant Mufleh Saad Ruweishid Al–Rasheedi, Sergeant Sayer Farhan Ghanim Al-Nomasi and Murif Shakir Eid Al-Rasheedi bring to 36 the total of security personnel who have lost their lives fighting terrorism since May 2003.

On September 3, 2004, one security officer, Yousef bin Ayed Al-Harbi, was killed and three injured during operations in Buraidah. Surveillance of a suspected residence and vehicle led to an exchange of fire between security forces and another vehicle. After a pursuit through a residential neighborhood, the driver of the second vehicle was killed, and another individual involved in the incident was arrested.

On September 2, 2004, the Ministry of Interior announced that Abdullah bin Abdulaziz bin Ahmed Almughrin had voluntarily surrendered to security authorities. He was wanted for his involvement in setting up an Al–Qaeda cell in the Eastern Province, three of whose members were recently arrested. The cell is suspected of preparing the attack in Al–Khobar on May 30, 2004. Almughrin is also suspected of having links to other parties, both inside and outside the Kingdom, that have been planning acts of terrorism.

On August 30, 2004, security forces in the Eastern Province were carrying out investigations when a car carrying four persons tried to break through security barriers. In the ensuing exchange of fire, one of them was killed, and the other three wounded, and arrested. The search operation also led to the arrest of another suspect, and the seizure of two vehicles that had been under surveillance by the security forces.

On August 11, 2004, Abdulrahman bin Obaid-Allah Al-Harbi was killed in the vicinity of the Holy Mosque in Makkah after he

attacked security officers who were trying to apprehend him. He was wanted for his involvement with an extremist group and the manufacturing of explosives.

On August 5, 2004, Faris Ahmad Jamaan Al Showeel Alzahrani, one of the leaders of the group that has been calling for terrorist attacks, was arrested. Saudi Arabia's most-wanted list now stands at 11 at large, with 12 killed and three in custody.

On July 22, 2004, Fayez bin Rasheed bin Mohammad Al-Khashman Al-Dossary surrendered to security authorities in the city of Taif, expressing the desire to benefit from the grace period offered by Custodian of the Two Holy Mosques King Fahd bin Abdulaziz.

On July 20, 2004, in a raid on a suspected hideout in the city of Riyadh, security forces killed two suspects, one of whom, Isa Saad Mohammad bin O'ooshan, was on the list of Saudi Arabia's most-wanted. Recovered during the raid were the partial remains of Mr. Paul Marshall Johnson, Jr., the American who was kidnapped and murdered by Al-Qaeda in June.

On July 17, 2004, Ibrahim Al-Sadiq Al–Bakri Al-Qaidi arrived in the Kingdom from Damascus, where he had surrendered to the Saudi Embassy, expressing the desire to benefit from the grace period offered by Custodian of the Two Holy Mosques King Fahd bin Abdulaziz.

On July 13, 2004, top Al-Qaeda suspect Khalid bin Odeh bin Mohammed Al-Harbi, also known as Abu Sulaiman Al-Makki, surrendered to Saudi authorities at the Saudi Embassy in Iran and was later transported to Saudi Arabia.

On July 3, 2004, the Ministry of Interior confirmed the deaths of two militants, Rakan Muhsin Mohammed Alsaykhan and Nasir Rashid Nasir Alrashid, who were on the list of 26 most wanted that was published in December 2003. The two died of wounds received in an incident on April 12 in the Riyadh suburb of Al-Fayha, in which a security officer lost his life.

On July 1, 2004, terrorist Awad bin Mohammed bin All Al-Awad, wanted for his involvement in the April 12 incident, was killed and another suspect was arrested and has been identified as Abdulrahman bin Mohammed bin Abdulrahman Al Abdulwahab, wanted in connection with the murder of a German resident in Riyadh on May 22. A security officer, Private Muslih bin Saad Al-Qarni, was killed in this incident.

On June 30, 2004, a terrorist was killed in a shootout in Riyadh, later identified as Fahd bin All Aldakheel Algablan. Security forces seized, in addition to weapons such as Kalashnikovs and pistols, a laboratory for preparing explosive devices, equipment for forging documents, and materials for medical treatment and first aid.

On June 23, 2004, in a televised address read on behalf of Custodian of the Two Holy Mosques King Fahd bin Abdulaziz by Crown Prince Abdullah bin Abdulaziz, Deputy Prime Minister and Commander of the National Guard, the government of the Kingdom of Saudi Arabia offered those involved in terrorist activity a last opportunity to repent and voluntarily surrender within one month, or face resolute and determined force: whoever surrendered would be assured due process in accordance with Shariah [Islamic Law]. Hours later, Sa'aban bin Mohammed bin Abdullah Al-Lailahi Al-Shihri, wanted for the past two years, became the first militant to accept the offer and surrender to authorities. On June 28, 2004, Osman Hadi Al Maqboul Almardy Alomary became the second to do so; he is on the list of Saudi Arabia's 26 most-wanted that was posted last December.

On June 18, 2004, Abdulaziz Abdulmohsen Almughrin, head of the deviant group that has been terrorizing the Kingdom, and which was responsible for the brutal murder of U.S. hostage Paul Johnson, was one of the four suspects killed in a siege in the Maalaz area of the city of Riyadh. The three others killed were identified as Faisal bin Abdulrahman Al-Dakheel, Turki bin Fehaid Al-Mutairi, and Ibrahim bin Abdullah Al-Duraihem. One security officer was killed, and two others wounded. Found at the scene were three cars, one of which had been used in a recent attack on a BBC journalist and his photographer; ammunition and weapons, including sub-machine guns, rocket launchers, pipe bombs and grenades; and a stack of identity papers.

On June 1, 2004, security forces killed two suspects during a shootout in an isolated area of Al-Hada on the Taif-Makkah road. The two suspects had been identified as being implicated in the criminal terrorist attack that took place in Al Khobar on May 29, 2004, that resulted in the deaths of 22 people, including one American and three Saudis. Security forces rescued 41 hostages in that incident; one of the four terrorists was wounded and apprehended.

On May 20, 2004, security forces killed four terrorist suspects and injured another in a gunfight in Qasim Province. The security forces came under heavy fire from machine-guns after locating five terrorist suspects in a rest house in Khudairah, a village in the area of Buraidah. Two security officers were killed. Weapons and ammunition were confiscated.

On May 1, 2004, four terrorists were killed after carrying out an attack in Yanbu that left eight people dead and twenty others wounded. The four belonged to one family: Sameer Sulaiman Alansari, Sami Sulaiman Alansari, Ayman Abdulqader Alansari, and Mustafa Abdulqader Abed Alansari.

On April 22, 2004, five terror suspects were killed following a shootout with security forces in the Al-Safa neighborhood in Jeddah. Four of them were identified as Ahmad Abdulrahman Saqr Alfadhli, Khalid Mobarak Habeeb-Allah Alqurashi, Mostafa Ibrahim Mohammad Mobaraki, and Talal A'nbar Ahmad A'nbari, numbers 23, 11, 25, and 13 on the most wanted list published on December 6, 2003.

On April 18, 2004, the Ministry of Interior issued a statement explaining the developments following incidents on April 12 and 13, 2004; confirming that security forces had seized two trucks loaded with 4,118 kilograms of explosives ready for detonation, plus a car full of weapons; and adding that various other items and weapons had also been seized at different locations. Eight suspects have been arrested in connection with these events.

On March 15, 2004, security forces killed one of Saudi Arabia's most wanted terror suspects: Khalid Ali Ali-Haj, who was on the December 6 list of wanted terrorist suspects. Ali-Haj was a Yemeni national who trained at Al-Qaeda camps in Afghanistan where he worked closely with Osama bin Laden. Security forces searched his car and found six hand grenades, two Kalashnikov assault rifles, ten Kalashmkov ammunition magazines, three 9–mm pistols and the equivalent of about $137,000 in cash.

On February 22, 2004, the Ministry of Interior confirmed the death of A'amir Mohsin Moreef Al Zaidan Alshihri, who was on the December 6 list of wanted terrorist suspects. He died some time after being wounded during a clash with police in Riyadh on November 6, 2003. The body was recently recovered from where it was buried, just outside the city, and DNA tests proved that it was Alshihri.

On January 30, 2004, security forces stormed a rest house in Al–Siliye district in the east of the city of Riyadh, arrested seven suspects and seized a number of items including a car rigged with explosives, five rocket-propelled grenade launchers, seven machine guns, 11 pistols, five hand grenades, 21 detonators, military uniforms, and ammunition.

On January 12, 2004, the Ministry of Interior announced that, over the past six months, large quantities of ammunition and weapons had been seized. The total weight of confiscated explosives was 23,893 kilograms. In addition, 301 rocket propelled grenades together with launchers, 431 homemade grenades, 304 explosive belts (ready for use by suicide bombers), 674 detonators, 1,020 small arms and 352,398 rounds of ammunition were confiscated. The Ministry of Interior also called on everyone in Saudi Arabia to cooperate in fighting terrorism and extremism.

On December 30, 2003, Mansoor Mohammad Ahmad Faqeeh, whose name had been published in a December 6 list of 26 wanted terrorist suspects, surrendered to security authorities.

On December 8, 2003, the Ministry of Interior announced that Ibrahim Mohammad Abdullah Alrayis, whose name was on the December 6 list, had been killed by security forces. The Ministry statement praised citizens' cooperation with the security forces, who are pursuing those wanted and those who are trying to undermine the country's security and safety.

On December 6, 2003, the Ministry of Interior published the names and photos of 26 suspects wanted by security forces in connection with the terrorist incidents that have taken place in the Kingdom in the past few months, urging them to surrender to the authorities. The Ministry called on all citizens and residents to report information they may have about any of the wanted suspects. Immediate financial rewards of up to $1.9 million are being offered for information leading to the arrest of any wanted suspect, or any other terrorist elements and cells.

On November 26, 2003, a suspected terrorist was arrested. The suspect's hiding place was linked to the terrorist cell involved in the November 9 car bombing at the Al-Muhaya residential complex in Riyadh. Search of the hiding place revealed large quantities of arms and documents. Items discovered by security forces include one SAM–7 surface to air missile, five rocket-propelled grenade launchers, 384 kilogram of the powerful explosive RDX, 89 detonators, 20 hand grenades, eight AK–47 assault rifles, 41 AK–47 magazines, and 16,800 rounds of ammunition. Also recovered were four wireless communication devices, three computers, computer disks and CDs, and SR 94,395 in cash, as well as numerous identity cards and leaflets calling for the perpetration of acts of terror.

On November 25, 2003, a car bomb plot was foiled in Riyadh. The encounter with security forces led to the deaths of two wanted terrorist suspects: Abdulmohsin Abdulaziz Alshabanat, who was killed in the exchange of fire, and Mosaed Mohammad Dheedan Alsobaiee, who committed suicide by detonating the hand grenade he was carrying. The vehicle that was seized was loaded with explosives and camouflaged as a military vehicle.

On November 20, 2003, Abdullah bin Atiyyah bin Hudeid Al-Salami surrendered to security authorities. He was wanted for suspected terrorist activities.

On November 6, 2003, security forces investigating a suspected terrorist cell in the Al-Suwaidi district of the city of Riyadh came under fire from the suspects, who attempted to flee while attacking security forces with machine guns and bombs. In the exchange of fire, one terrorist was killed and eight of the security officers suffered minor injuries. On

the same day, in the Al-Shara'ei district of the city of Makkah, two terrorist suspects, who were surrounded by security forces, used home-made bombs to blow themselves up. Their suicide followed a firefight during which they refused to surrender when requested by the security officers.

On November 3, 2003, Saudi police arrested six suspected A1-Qaeda militants after a shootout in the holy city of Makkah in Saudi Arabia. The raid on an apartment triggered a shootout that left two suspected terrorists dead, and one security officer wounded.

On October 20, 2003, security forces raided several terrorist cells in various parts of the country, including the city of Riyadh, the Al-Majma'a District in Riyadh Province, Makkah Province, the Jeddah District of Makkah Province, and Qasim Province. Security forces confiscated items including C4 plastic explosives, home-made bombs, gas masks, and large quantities of assault rifles and ammunition.

On October 8, 2003, security forces raided a farm in the northern Muleda area of Qasim Province and were able to arrest a suspect. Three other suspects fled the scene. Two security officers suffered injuries.

On October 5, 2003, security forces arrested three suspects during a raid in the desert to the east of Riyadh.

On September 23, 2003, security forces surrounded a group of suspected terrorists in an apartment in the city of Jizan. During a gun battle, one security officer was killed and four officers injured. Two suspects were arrested and one killed. The suspects were armed with machine guns and pistols and a large quantity of ammunition.

On July 28, 2003, security forces killed six terrorist suspects and injured one in a gunfight at a farm in Qasim Province, 220 miles north of the capital, Riyadh. Two security officers were killed and eight suffered minor injuries. Four people who harbored the suspects were arrested.

On July 25, 2003, three men were arrested at a checkpoint in Makkah for possessing printed material that included a ''religious edict'' in support of terrorist acts against Western targets.

On July 21, 2003, the Minister of Interior announced that Saudi authorities had defused terrorist operations which were about to be carried out against vital installations and arrested 16 members of a number of terrorist cells after searching their hideouts in farms and houses in Riyadh Province, Qasim Province and the Eastern Province. In addition, underground storage facilities were found at these farms and homes containing bags, weighing over 20 tons, filled with chemicals used in the making of explosives.

On July 3, 2003, Turki Nasser Mishaal Aldandany, a top Al-Qaeda operative and one of the masterminds of the May 12 bombings, was killed along with three other suspects in a gun battle with security forces that had them surrounded.

On June 26, 2003, Ali Abdulrahman Said Alfagsi Al-Ghamdi, a.k.a. Abu Bakr Al-Azdi, surrendered to Saudi authorities. Al-Ghamdi, considered one of the top Al-Qaeda operatives in Saudi Arabia, is suspected of being one of the masterminds of the May 12 bombings in Riyadh.

On June 14, 2003, security forces raided a terrorist cell in the Alattas building in the Khalidiya neighborhood of Makkah. Two Saudi police officers and five suspects were killed in a shootout. Twelve suspects were arrested, and a number of booby-trapped Qur'ans and 72 home-made bombs, in addition to weapons, ammunition, and masks were confiscated.

On May 31, 2003, Yousif Salih Fahad Al-Ayeeri, a.k.a. Swift Sword, a major Al-Qaeda operational planner and fundraiser, was killed while fleeing from a security patrol.

On May 27–28, 2003, eleven suspects were taken into custody in the city of Madinah. Weapons, false identity cards and bomb-making materials were confiscated. In addition, Saudi national Abdulmonim Ali Mahfouz Al-Ghamdi was arrested, following a car chase. Three non-Saudi women without identity cards, who were in the car he was driving, were detained.

In May 2003, three clerics, All Fahd Al-Khudair, Ahmed Hamoud Mufreh Al-Khaledi and Nasir Ahmed Al-Fuhaid, were arrested after calling for support of the terrorists who carried out the Riyadh attacks. In November 2003, Ali Fahd Al-Khudair recanted his religious opinions on Saudi TV. Shortly after, a second cleric, Nasir Ahmed Al-Fuhaid, recanted and withdrew his religious opinions describing them as a ''grave mistake''. On December 16, 2003, Ahmed Hamoud Mufreh Al-Khaledi became the third cleric to recant on national television.

Saudi Arabia has provided extensive intelligence and military cooperation in the assault on Al-Qaeda. Given the sensitivity of these operations, disclosure of specific actions or the nature of Saudi cooperation in these areas has intentionally been limited. However, public disclosures to date have revealed major Saudi contributions to the breakup of a number of Al-Qaeda cells, the arrests of key Al-Qaeda commanders, and the capture of numerous Al-Qaeda members.

In June 2002, Saudi Arabia successfully negotiated with Iran for the extradition of 16 suspected Al-Qaeda members.

In June 2002, Saudi Arabia asked Interpol to arrest 750 people, many of whom are suspected of money laundering, drug trafficking, and terror-related activities. This figure includes 214 Saudis whose names appear in Interpol's database in addition to expatriates who fled Saudi Arabia.

In early 2002, Saudi intelligence and law enforcement agencies identified and arrested a cell composed of seven individuals linked to Al-Qaeda who were planning to carry out terrorist attacks against vital sites in the Kingdom. The cell leader was extradited from the Sudan. This cell was responsible for the attempt to shoot down American military planes at Prince Sultan Airbase using a shoulder-launched surface-to-air missile.

INTERNATIONAL COOPERATION

Multilateral cooperation is essential in order to successfully defeat terrorism. Saudi Arabia has supported many international and regional efforts in the fight against terrorism through multilateral and bilateral agreements. The Kingdom is committed to working closely with the European, Asian and U.S. governments, and with the United Nations, to ensure that information is shared as quickly and effectively as possible.

Specific actions

On July 22, 2004, the final report of the National Commission on Terrorist Attacks Upon the United States confirmed: that there is no evidence the government of Saudi Arabia funded Al-Qaeda; that the post 9–11 flights that repatriated Saudi citizens, including members of the bin Ladin family, were investigated by the FBI and ''no one with known links to terrorism departed on these flights''; and that the Saudi government had been pursuing Osama bin Laden prior to the attacks on the United States.

On July 2, 2004, the Financial Task Force (FATF) released its fifteenth annual report, which contains an evaluation of Saudi Arabia's laws, regulations and systems to combat money laundering and terrorist financing. According to this evaluation: ''Saudi authorities have focused heavily on systems and measures to counter terrorism and the financing of terrorism. Specifically, they have taken action to increase the requirements for financial institutions on customer due diligence, established systems for tracing and freezing terrorist assets, and tightened the regulation and transparency of charitable organizations.''

On April 29, 2004, the Office of the Coordinator for Counter-Terrorism of the U.S. Department of State released its 2003 'Patterns of Global Terrorism' report. The report praises the Kingdom of Saudi Arabia for its ''unprecedented'' efforts to fight terrorism both inside its borders and abroad. Ambassador J. Cofer Black, Coordinator for Counter-Terrorism, states in his introductory remarks: ''I would cite Saudi Arabia as an excellent example of a nation increasingly focusing its political will to fight terrorism. Saudi Arabia has launched an aggressive, comprehensive, and unprecedented campaign to hunt down terrorists, uncover their plots, and cut off their sources of funding.''

U.S. Secretary of the Treasury John W. Snow said on January 22, 2004: ''The United States, Saudi Arabia, and our other partners around the globe have spoken out loud and clear—terrorism has no place in a civilized world. We will continue to work with Saudi Arabia and all our allies in the war against terror to seek out those who bankroll terrorist organizations and shut them down.''

President George W. Bush said on November 22, 2003: ''Crown Prince Abdullah is an honest man . . . And he has told me that we are joined in fighting off the terrorist organizations which threatened the Kingdom and they threaten the United States, and he's delivering.''

SAMA has also created a committee to carry out self-assessment for compliance with the FATF recommendations and these self-assessment questionnaires have been submitted. The FATF conducted a mutual evaluation on September 21–25, 2003.

Attorney General John Ashcroft commended Saudi Arabia's efforts in the war on terrorism and stated, on August 29, 2003: ''I believe that progress is being made and I think not only that it (cooperation) is good but it continues to improve.''

Saudi Arabia and the United States established a second joint task force in August 2003, this one aimed at combating the financing of terror. The task force, which was initiated by Crown Prince Abdullah, is further indication of the Kingdom's commitment to the war on terrorism and its close cooperation with the United States in eradicating terrorists and their supporters.

In May 2003, a Saudi-U.S. task force was organized from across law enforcement and intelligence agencies to work side by side to share ''real time'' intelligence and conduct joint operations in the fight against terrorism. The U.S. Ambassador to Saudi Arabia, Robert Jordan, described the cooperation of Saudi investigators with the U.S. law enforcement representatives as ''superb''.

On April 30, 2003, Ambassador Cofer Black, Coordinator for Counterterrorism, released the Annual Patterns of Global Terrorism 2002 report and stated that ''The Saudi Government has made significant strides, certainly in the last year. They are a strong partner in the war on terrorism. In the past several months, we have made significant strides in our counterterrorism cooperation. The Saudi Government continues to work with us in identifying and working to counter al-Qaeda and other terrorist groups . . . In recent months, I've made two separate trips to Saudi Arabia to work with senior officials. This is, in part, what we believe to be a long-term pattern of close coordination on terrorism issues.''

Saudi Arabia redeployed Special Forces to enhance security and counter-terrorism efforts.

Saudi Arabia maintains close relationships with the intelligence and law enforcement agencies of many other nations intensifying counter-terrorism cooperation.

Saudi government departments and banks are required to participate in international seminars, conferences and symposia on combating terrorist financing activities. Saudi Arabia has also hosted many seminars, conferences and symposia on combating terrorism; and is a member of the Financial Action Task Force (FATF) established by the G–7 in 1988.

In 2002, Saudi Arabia completed and submitted two FATF self-assessment questionnaires: one regarding the 40 FATF recommendations on the prevention of money laundering and the other regarding its eight special recommendations on terrorist financing.

SAMA exchanges information on activities related to money laundering and terrorist financing with other banking supervisory authorities and with law enforcement agencies.

Saudi Arabia has appointed Price Waterhouse Coopers as advisors for the FATF Mutual Evaluation and the IMF-sponsored FSAP examination. In addition, the Kingdom has appointed an executive task force representing SAMA and other government agencies for a successful outcome of these evaluations.

ACTIONS TAKEN WITH REGARD TO CHARITABLE ORGANIZATIONS

Charitable giving is an important part of Islam and there are thousands of legitimate charities throughout the Middle East. Since September 11, Saudi Arabia has conducted a thorough review of its charitable organizations and has made a number of specific changes.

Specific actions

On June 2, 2004, a press conference was held at the Royal Embassy of Saudi Arabia in Washington, DC to announce that Saudi Arabia and the United States had jointly designated five branch offices of the Al-Haramain Islamic Foundation as financial supporters of terrorism. It was also announced that Saudi Arabia is folding Al-Haramain and other charities which used to operate abroad into the Saudi National Commission for Relief and Charity Work Abroad.

On February 27, 2004, the Custodian of the Two Holy Mosques King Fahd bin Abdulaziz issued a royal order approving the creation of the Saudi National Commission for Relief and Charity Work Abroad, which, in order to eliminate any misdeed that might undermine Saudi charitable operations, is charged exclusively with responsibility for all donations and contributions outside the Kingdom.

On January 29, 2004, one week after Saudi Arabia and the United States requested the designation of four branch offices of the Al-Haramain Islamic Foundation, the United Nations Security Council announced that Al-Haramain's offices in Indonesia, Pakistan, Kenya and Tanzania had been added to its consolidated list of terrorists tied to Al-Qaeda, Osama bin Laden and the Taliban. Now that these offices are under UN sanctions, member states are obligated to take legal action against them.

On January 22, 2004, Crown Prince Abdullah's Foreign Affairs Advisor Adel Al-Jubeir and Secretary of the Treasury John Snow held a joint press conference in Washington, DC to announce that Saudi Arabia and the United States had asked the UN Sanctions Committee to designate four branch offices of the Al-Haramain Foundation as financial supporters of terrorism. The branches are located in Kenya, Tanzania, Pakistan and Indonesia and subject to the laws and regulations of those countries.

On December 22, 2003, Saudi Arabia and the United States took steps to designate two organizations as financiers of terrorism under United Nations Security Council Resolution 1267 (1999). These organizations are the Bosnia-based Vazir and the Liechtenstein-based Hochburg AG. Mr. Safet Durguti, a representative of the Vazir organization, has also been designated under the relevant United Nations Security Council Resolutions as a terrorist financier. This was the third joint action taken against terrorist financing by the United States Treasury Department and the Kingdom of Saudi Arabia.

In May 2003, the Saudi Arabian Monetary Agency (SAMA) distributed an update entitled ''Rules Governing Anti-Money Laundering and Combating Terrorist Financing'' to all banks and financial institutions in Saudi Arabia requiring the full and immediate implementation of nine new policies and procedures. The new regulations include:

All bank accounts of charitable or welfare societies must be consolidated into a single account for each such society. SAMA may give permission for a subsidiary account if necessary, but such an account can only be used to receive, not to withdraw or transfer, funds.

Deposits in these accounts will be accepted only after the depositor provides the bank with identification and all other required information for verification.

No ATM cards or credit cards can be issued for these accounts. No cash withdrawals are permitted from the charitable institution's account, and all checks and drafts are to be in favor of legitimate beneficiaries and for deposits in a bank account only.

No charitable or welfare society can open or operate these bank accounts without first presenting a valid copy of the required license.

No overseas fund transfers are allowed from these bank accounts.

SAMA's approval is required to open a bank account.

Only two individuals duly authorized by the Board of a charitable institution shall be allowed to operate the main account.

In May 2003, Saudi Arabia asked the Al-Haramain Islamic Foundation and all Saudi charities to suspend activities outside Saudi Arabia until mechanisms are in place to adequately monitor and control funds so they cannot be misdirected for illegal purposes.

Also in May 2003, SAMA instructed all banks and financial institutions in the Kingdom to stop all financial transfers by Saudi charities to any accounts outside the Kingdom.

On April 30, 2003, Ambassador Cofer Black, Coordinator for Counterterrorism stated: ''We are pleased with the steps the Saudis are taking to ensure that all charitable donations by Saudis reach their intended good works and that no funds from Saudi Arabia are diverted by those who would use them for evil purposes.''

In December 2002, a special Financial Intelligence Unit was established to track charitable giving to ensure that no funds reach evildoers.

In the summer of 2002, in another successful joint anti-terrorism action, the Kingdom of Saudi Arabia and the United States took steps to freeze the assets of a close bin Laden aide, Wa'el Hamza Julaidan, who is believed to have funneled money to al-Qaeda. Julaidan served as the director of the Rabita Trust and other organizations.

In March 2002, the U.S. Treasury Department and Saudi Arabia blocked the accounts of the Somalia and Bosnia branches of the Saudi Arabia-based Al-Haramain Islamic Foundation. While the Saudi headquarters for this private charity is dedicated to helping those in need, the United States and Saudi Arabia determined that the Somalia and Bosnia branches supported terrorist activities and terrorist organizations such as al-Qaeda and AIAI (al-Itihaad al-Islamiya). In May 2003, Saudi Arabia asked the Al-Haramain Islamic Foundation and all Saudi charities to suspend activities outside Saudi Arabia until mechanisms are in place to adequately monitor and control funds so they cannot be misdirected for illegal purposes.

Saudi Arabia has established a High Commission for oversight of all charities, contributions and donations. In addition, it has established operational procedures to manage and audit contributions and donations to and from the charities, including their work abroad.

FREEZING SUSPECTED TERRORIST ASSETS, COMBATING MONEY LAUNDERING

In the wake of the events of September 11, the Kingdom of Saudi Arabia took prompt action on September 26, 2001 and required Saudi banks to identify and freeze all assets relating to terrorist suspects and entities per the list issued by the United States government on September 23, 2001. Saudi banks have complied with the freeze requirements and have initiated investigations of transactions that suspects linked to Al-Qaeda may have undertaken in the past.

Specific actions

In August 2003, the Council of Ministers approved new legislation that puts in place harsh penalties for the crime of money laundering and terror financing. This legislation stipulates jail sentences of up to 15 years and fines up to $1.8 million for offenders.

The new law: Bans financial transactions with unidentified parties; requires banks to maintain records of transactions for up to 10 years; establishes intelligence units to investigate suspicious transactions; and sets up international cooperation on money-laundering issues with countries with which formal agreements have been signed.

In February 2003, the Saudi Arabian Monetary Agency (SAMA) began to implement a major technical program to train judges and investigators on legal matters involving terrorism financing and money-laundering methods, international requirements for financial secrecy, and methods followed by criminals to exchange information.

Saudi Arabia was one of the first countries to take action against terrorist financing, freezing the assets of Osama bin Laden in 1994.

Saudi Arabia has investigated many bank accounts suspected of having links to terrorism and has frozen more than 40 accounts.

Saudi Arabia, as a member of the G–20, approved an aggressive plan of action directed at the rooting out and freezing of terrorist assets worldwide. Saudi Arabia is proud to have been a leader in the development of this plan and its implementation, and of key objectives for U.S. and international policies for dealing with terrorism now and in the future.

SAMA instructed Saudi banks to promptly establish a supervisory committee to closely monitor the threat posed by terrorism and to coordinate all efforts to freeze the assets of the identified individuals and entities. The committee is composed of senior bank officers who are in charge of risk control, auditing, money-laundering units, legal affairs, and operations. The committee meets regularly in the presence of SAMA officials.

Saudi banks have put in place, at the level of their Chief Executive Officers, as well as at the level of a supervisory committee, mechanisms to respond to all relevant inquiries, both domestic and international. To ensure proper coordination and effective response, all Saudi banks route their responses and relevant information via SAMA.

A Special Committee was established drawing from the Ministry of Interior, Ministry of Foreign Affairs, the Intelligence Agency and SAMA to handle requests from international bodies and countries with regard to combating terrorist financing.

Even before September 11, Saudi Arabia had taken steps to ensure that its financial system is not used for illegal activities. In 1988 the Kingdom signed and joined the United Nations Convention against Illicit Trafficking of Narcotics and Psychotropic Substances. In 1995, Saudi Arabia established units countering money laundering at the Ministry of Interior, in SAMA and in the commercial banks.

LEGAL AND REGULATORY ACTIONS TO COMBAT TERRORISM

The Kingdom has a strong legislative, regulatory and supervisory framework for banking and financial services. This infrastructure ensures that each bank or other financial service provider remains vigilant and also has strong internal controls, processes and procedures to not only know the identity of its customers but also have awareness of their activities and transactions. Money-laundering and other suspicious activities are targeted and all those found violating laws and regulations are subject to severe financial penalties and imprisonment. Money-laundering crimes are high-profile crimes and all cases are referred to a senior court.

Specific actions

SAMA and the Ministry of Commerce issued instructions and guidelines to the Kingdom's financial and commercial sectors for combating money-laundering activities. To further strengthen and implement the current regulations, the Ministry of Commerce issued Regulation # 1312 aimed at preventing and combating money laundering in the non-financial sector. These regulations are aimed at manufacturing and trading sectors and also cover professional services such as accounting, legal affairs, and consultancy.

The Saudi Government has taken concrete steps to create an institutional framework for combating money laundering. This includes the establishment of units to counter money laundering, with trained and dedicated specialist staff. These units work with SAMA and law enforcement agencies. The government has also encouraged banks to bring money-laundering-related experiences to the notice of various bank committees (such as Fraud Committees, and those of Chief Operations Officers and Managing Directors) for exchange of information and joint action.

Saudi banks and SAMA have implemented an online reporting system to identify trends in money-laundering activities to assist in policy-making and other initiatives.

In May 2003, SAMA issued instructions to all Saudi financial institutions to strictly implement 40 recommendations of the FATF regarding money laundering and the eight recommendations regarding terror financing. Furthermore, SAMA issued instructions to all Saudi financial institutions prohibiting the transfer of any funds by charitable organizations outside the Kingdom.

Another major institutional initiative is the creation of a specialized Financial Intelligence Unit (FIU) in the Security and Drug Control Department of the Ministry of Interior. This unit is specially tasked with handling money-laundering cases. A communication channel between the Ministry of Interior and SAMA on matters involving terrorist-financing activities has also been established.

In May 2002, SAMA issued rules ''Governing the Opening of Bank Accounts'' and ''General Operational Guidelines'' in order to protect banks against money-laundering activities. For instance, Saudi banks are not permitted to open bank accounts for non resident individuals without specific approval from SAMA. Banks are required to apply strict ''Know your Customer'' rules and any non-customer business has to be fully documented

Saudi Arabia carries out regular inspections of banks to ensure compliance with laws and regulations. Any violation or non-compliance is cause for serious action and is referred to a bank's senior management and the Board. Furthermore, the Government has created a permanent committee of banks' compliance officers to review regulations and guidelines and recommend improvements, and to ensure that all implementation issues are resolved.

Saudi authorities have made significant efforts to train staff in financial institutions and others involved in compliance and law as well as those in the Security and Investigation departments of the Ministry of Interior.

Special training programs have been developed for bankers, prosecutors, judges, customs officers and other officials from government departments and agencies. Furthermore, training programs are offered by the Nayef Arab University for Security Sciences (formerly the Nayef Arab Academy for Security Sciences), the King Fahd Security Faculty, Public Security Training City, and SAMA.

The Saudi government has established a permanent committee of representatives of seven ministries and government agencies to manage all legal and other issues related to money-laundering activities.

In 1995, SAMA issued ''Guidelines for Prevention and Control of Money-Laundering Activities'' to Saudi Banks to implement ''Know your Customer'' rules, maintain records of suspicious transactions, and report them to law enforcement officials and SAMA.

The first conference for FATF outside the G–7 countries was held in Riyadh at the SAMA Institute of Banking in 1994.

OTHER INITIATIVES RELATED TO FIGHTING TERRORISM

Saudi Arabia has publicly supported and extended cooperation to various international efforts to combat terrorism. These include:

In January 2004, while in Tunis for the 21st session of the Arab Interior Ministers' Council, Minister of Interior Prince Nayef bin Abdulaziz called for better coordination of counterterrorism efforts throughout the Arab world, declaring: ''It is painful to have some of our sons as tools of terrorism, but with the joint efforts by our scholars, intellectuals and mass media, we can confront this matter and purify our Islamic and Arab thought from all blemishes.''

Saudi Arabia has signed a multilateral agreement under the auspices of the Arab League to fight terrorism.

Saudi Arabia participates regularly and effectively in G–20 meetings and the Kingdom has signed various bilateral agreements with non-Arab countries.

Every 90 days, Saudi Arabia prepares and submits to the UN Security Council Committees upon their request, a report on the initiatives and actions taken by the Kingdom with respect to the fight against terrorism.

The Kingdom has supported the following requirements of various UN resolutions related to combating terrorism:

Freezing funds and other financial assets of the Taliban regime based on UN Security Council Resolution 1267.

Freezing funds of listed individuals based on UN Security Council Resolution 1333.

Signing the International Convention for Suppression and Financing of Terrorism based on UN Security Council Resolution 1373.

Reporting to the UN Security Council the implementation of Resolution 1390.

Saudi Arabia has given support to and implemented Resolution No. 1368 dated September 12, 2001 related to the financing of terrorist activities.

PUBLIC STATEMENTS BY SENIOR SAUDI OFFICIALS CONDEMNING EXTREMISM AND PROMOTING MODERATION

PUBLIC STATEMENTS PROMOTING MODERATION

The Qur'an, the Islamic religion and the Kingdom of Saudi Arabia reject and condemn all forms of religious extremism that lead to violence, terrorism and the taking of innocent lives. Islam teaches peace, understanding and tolerance, not violence or hatred. The Kingdom of Saudi Arabia is steadfast in believing that those resorting to violence and extremism are deviants and criminals who must face the full consequences of their actions. Following are some of the public statements made by leading officials and religious leaders in this regard.

''I believe that no society is immune from deviants and extremists. This situation exists in every country, in every society and in every faith. These individuals do not represent their societies. They do not represent the prevailing thinking of a society.''—Crown Prince Abdullah bin Abdulaziz, Deputy Prime Minister and Commander of the National Guard, January 12, 2003.

STATEMENTS MADE BY GOVERNMENT OFFICIALS AND RELIGIOUS LEADERS

Custodian of the Two Holy Mosques King Fahd bin Abdulaziz today received senior officials of the Ministry of Education and advised all those involved in education to adhere to the Islamic faith and help the new generation distance themselves from deviant groups and evildoers.—Saudi Press Agency, September 5, 2004.

In his Friday sermon at the Grand Mosque in Makkah, Imam Shaikh Saud Al-Sheraim stressed the need for Muslims to seek advice in searching for the truth, and to embrace cooperation and reconciliation. The killing and terrorizing of the innocent that is taking place in Muslim countries, he stated, is something evil and a sign of great danger, saying: ''Such acts must never be ignored or justified but confronted and stopped by all available means.''—Shaikh Saud Al-Sheraim, imam at the Grand Mosque in Makkah, July 9, 2004.

''We will not allow a wicked group driven by a deviant ideology to destabilize the Kingdom's security.''—Custodian of the Two Holy Mosques King Fahd bin Abdulaziz, June 20, 2004.

Deputy Prime Minister and Commander of the National Guard Crown Prince Abdullah bin Abdulaziz today received citizens expressing condemnation of terrorist acts. Crown Prince Abdullah, thanking them for their stance, urged all citizens to report abnormal behavior to the security authorities. He confirmed that leaders of the deviant group had been killed, and called on others involved to turn themselves in before they are annihilated, declaring that they are followers of Satan and enemies of religion and their country.—Saudi Press Agency, June 19, 2004.

''It is with great sadness and pain that we announce the death of Paul Marshall Johnson, Jr. . . . Today, we are faced with the tragedy of his gruesome death at the hands of barbarians who have rejected the teachings of their faith and the principles of humanity. His brutal murder illustrates the cruelty and inhumanity of the enemy we all are fighting.''—Foreign Affairs Advisor to

the Crown Prince, Adel Al-Jubeir, June 18, 2004.

Shaikh Dr. Salih bin Abdullah bin Humaid, imam at the Grand Mosque in Makkah, spoke out against terrorism at Friday prayer today, reiterating that any terrorist act is criminal and contrary to religion. The recent criminal acts in the Kingdom, he said, have targeted Muslims who thought themselves safe as well as non-Muslims who are under protection through agreements with Muslims. The perpetrators of these acts, members of a deviant group, have killed and intimidated people, destroyed property, and wreaked havoc on earth; and therefore they will surely be punished in hell in the hereafter.—Saudi Press Agency, June 18, 2004.

''Saudi Arabia does not condone extremism and does not take part in it. It is true that we support people who seem to us to be good Muslims. But they are not extremists . . . Young Saudis who commit these crimes are influenced by bad ideas. Intellectuals must explain to them what is true and what is false.''—Minister of the Interior, Prince Nayef bin Abdulaziz Al-Saud, June 17, 2004.

The Council of Call and Guidance, in its meeting yesterday, condemned the explosion [at the General Department of Traffic in Riyadh on April 21, 2004], and urged confrontation of the deviant ideas that lead to such criminal acts. The Council, which comprises representatives from various areas of jurisprudence including the Islamic Affairs Ministry, the Presidency of the Two Holy Mosques, and the Islamic universities, called for fortifying young people against destructive ideas that run counter to the teachings of Islam.—Saudi Press Agency, April 26, 2004.

''We strongly warn you against heeding misleading edicts that promote extremism . . . Nobody will approve such a horrendous crime. It is a prohibited, nefarious, terrorist act . . . See how much damage these deviants have done to the image of Islam, the religion of peace.''—Shaikh Abdul Rahman Al-Sadais, imam at the Grand Mosque in Makkah, April 23, 2004.

''These people want to disrupt security, horrify people who consider themselves safe, and kill Muslims. It is forbidden to cover up for such sinful people and whoever does so, will be their partner in the crime . . . It is also forbidden to justify the acts of these criminals . . . You have to be vigilant and have strong will in defending the religion and the Muslim country against these people.''—Shaikh Abdulaziz Al-Ashaikh, Grand Mufti, Chairman of the Council of Senior Religious Scholars, April 22, 2004.

Interior Minister Prince Nayef bin Abdulaziz today reiterated that such acts of terrorism do not have anything to do with Islam, and appealed to those who are contemplating them to come to their senses and surrender, because they will be caught, and the resolve of the security forces has only deepened.—Saudi Press Agency, April 21, 2004.

''It is not lawful to protect these deviants and all of us should denounce them.''—Shaikh Saleh bin Humaid, imam at the Grand Mosque in Makkah, April 17, 2004.

''Terrorism is a strange phenomenon in a country like the Kingdom of Saudi Arabia, which has been unwaveringly implementing the Islamic Shariah . . . The Ulema (Muslim scholars) do oppose terrorism, and believe in the importance of obedience of rulers . . . The terror acts which earlier took place in Makkah, Madinah, and Riyadh run counter to the teachings of Islam.''—Shaikh Abdulaziz Al-Ashaikh, Grand Mufti, Chairman of the Council of Senior Religious Scholars, January 27, 2004.

Shaikh Abdul Rahman Al-Sudais, imam at the Grand Mosque in Makkah, today denounced plans by militants to destabilize the Kingdom and undermine its security. ''They have violated the sanctity of time and place and committed terrorism, violence, bombings, crime and corruption. '' Shaikh Al-Sudais also advised the faithful to make use of Ramadan to win God's forgiveness and mercy. He stressed the need to teach moderation to the youth. ''This is the joint duty of mosque, family, school, university and the media,'' he explained.—Arab News, November 8, 2003.

''Our youth must be inoculated against alien ideas. Families, schools and mosques as well as the country's ulema and intellectuals and the media and every sincere person must contribute to this effort in order to expose alien thoughts and show the truth.''—Crown Prince Abdullah, June 30, 2003.

''These misguided groups, whose members' minds have been possessed by the devil, will be punished and defeated, God willing, along with those who support them.''—Crown Prince Abdullah, June 22, 2003.

''Terrorism has nothing to do with Islam . . . Islam should not be blamed for acts of other people. People should be held responsible individually for their own acts.''—Shaikh Abdulaziz Al-Ashaikh, Grand Mufti, Chairman of the Council of Senior Religious Scholars, May 24, 2003.

''We have entrusted a committee of experienced and knowledgeable people to propagate the moderate views of Islam.''—Crown Prince Abdullah, May 21, 2003.

''We will not remain idle and watch certain religious figures who instigate violence by issuing edicts branding certain people as 'infidels'.''—Minister of the Interior, Prince Nayef bin Abdulaziz Al-Saud, May 15, 2003.

''Whoever did this will regret it because they have galvanized this country's determination to extract this cancer (terrorism) and ensure that it doesn't return . . . they have turned this country into one fist aimed at putting an end to this heinous wound in the body of this nation so that it won't return.''—Minister of Foreign Affairs, Prince Saud Al-Faisal, May 14, 2003.

''Our schools and our faith teach peace and tolerance . . . There is no room in our schools for hatred, for intolerance or for anti-western thinking. We are working very hard to build a world-class educational system which will help our children be prepared to make substantial contributions to the global society.''—Minister of Foreign Affairs, Prince Saud Al-Faisal, December 9, 2002.

''Islam is a religion of compassion, forgiveness and goodness . . .''—Shaikh Saleh Al-Luheidan, Chairman of the Supreme Judicial Council, November 6, 2002.

''Islam, as you know, does not advocate terrorism; and the hurting or killing of human beings is not acceptable by anyone whether he is a Muslim or not.''—Crown Prince Abdullah, March 23, 2002.

''Any attack on innocent people is unlawful and contrary to Shariah.''—Shaikh Muhammad bin Abdullah Al-Subail, imam at the Grand Mosque of Makkah, December 4, 2001.

''The recent developments in the United States constitute a form of injustice that is not tolerated by Islam, which views them as gross crimes and sinful acts.''—Shaikh Abdulaziz Al-Ashaikh, Grand Mufti, Chairman of the Council of Senior Religious Scholars, September 15, 2001.

''As a human community we must be vigilant and careful to oppose these pernicious and shameless evils, which are not justified by any sane logic, nor by the religion of Islam.''—Shaikh Saleh Al-Luheidan, Chairman of the Supreme Judicial Council, September 14, 2001.

[Press Release, June 15, 2004]

SAUDI RELIGIOUS SCHOLARS PROMOTE INTERFAITH PEACE AND CONDEMN TERRORIST ACTS

Both abroad and at home, Saudi religious scholars are condemning acts of terrorism and promoting the Islamic principles of peace and tolerance.

At an Embassy press conference in London, U.K., Minister of Islamic Affairs Shaikh Salih bin Abdulaziz Al-As-Shaikh stated that Saudi Arabia has achieved a great deal of success in combating terrorism, with many perpetrators killed or arrested. The Kingdom, he said, enjoys political, economic and social stability in spite of the terrorist incidents that have recently occurred. Islam, he reiterated, is a religion of love and tolerance that calls for dialogue with others.

Shaikh Abdulrahman Al-Sudais, one of the imams at the Grand Mosque in Makkah, led Friday prayers on June 11 with over 55,000 worshippers gathered in and around the East London Mosque. Calling for interfaith peace and harmony, he urged Muslims to be united in setting an example of ''the true image of Islam'' in their interactions with other communities. ''The history of Islam,'' he declared, ''is the best testament to how different communities can live together in peace and harmony.''

In Saudi Arabia, a number of well-known Muslim scholars issued a statement on June 13 strongly condemning the recent incidents that led to the killing of people and the damaging of property as outrageous crimes forbidden by the Islamic religion.

According to Ambassador to the United States Prince Bandar bin Sultan: ''Senior religious scholars in Saudi Arabia have continually and unequivocally condemned terrorism. In our war against terrorism, these condemnations are a powerful weapon.''

[Press Release, Apr. 28, 2004]

SAUDI FOREIGN MINISTER ON ROLE OF RELIGIOUS ESTABLISHMENT IN WAR AGAINST AL-QAEDA

At the Council on Foreign Relations (CFR) in New York yesterday, Saudi Arabia's Minister of Foreign Affairs Prince Saud Al-Faisal explained that, contrary to accusations by the Kingdom's critics, the religious establishment is a critical asset in the nation's war against Al-Qaeda. During the CFR conference entitled 'The United States and Saudi Arabia: A Relationship Threatened By Misconceptions', Prince Saud stated: ''It is the religious establishment in Saudi Arabia that in fact is proving to be the body most qualified to de-legitimatize Al-Qaeda's claims, the very religious community that is being attacked and discredited.''

According to Prince Saud Al-Faisal: ''The insular extremism of Saudi Arabia's arch-conservatives is being used as evidence for not only the sympathy, but also the collaboration of Saudi Arabia and its society with Al-Qaeda's aims and objectives. Nothing is further from the truth, as evidenced by the war being waged relentlessly against Al-Qaeda in Saudi Arabia, and the support that the society is giving the government's efforts to rid the country of these evildoers.''

Prince Saud Al-Faisal also explained that attacks on Saudi Arabia and its religious establishment ''will undermine the country that is waging total war against them [Al-Qaeda], and that is probably the country most capable of preventing them from spreading their cultist ideology in the Islamic world.''

On April 22, the day after the recent bombing in Riyadh, Shaikh Abdulaziz Al-Ashaikh, the Grand Mufti of Saudi Arabia and Chairman of the Council of Senior Religious Scholars, issued a statement calling the incident a ''forbidden and sinful act''. The statement continued: ''It is also forbidden to justify the acts of these criminals.'' Shaikh

Abdulaziz Al-Ashaikh also stated: ''You have to be vigilant and have strong will in defending the religion and the Muslim country against these people.''

[Press Release, Feb. 2, 2004]

KING AND CROWN PRINCE ADDRESS PILGRIMS—STATEMENT CONDEMNS TERRORISM AND PROMOTES TOLERANCE

The Custodian of the Two Holy Mosques King Fahd bin Abdulaziz and Crown Prince Abdullah bin Abdulaziz, Deputy Prime Minister and Commander of the National Guard, issued a joint statement from Mina on the occasion of Eid Al-Adha, addressing Muslims everywhere as well as the two million pilgrims gathered for Hajj. The statement, read on their behalf on Saudi television, unequivocally denounced terrorism and called for global cooperation in the war against it. The following are highlights from the statement:

''The entire world, including the Kingdom of Saudi Arabia, has been harmed by many acts of terror intended to undermine stability, and spread fear and evil. Some of these events have been perpetrated by individuals unfortunately claiming to be Muslims. It is necessary to clarify the position of Islam concerning these events and their perpetrators. These acts, and those who carry them out, are deviant. It is important to oppose them. These acts are a function of false ideas, contrived by individuals who have strayed from the truth, and contradict the teachings of religion.''

''The Kingdom opposes all forms of terrorism, and is fighting it locally and condemning it internationally, and is working to uproot it and expose its negative impact on society.''

''The Kingdom urges the international community to vigorously confront the menace of terrorism, and supports all peace-loving countries in fighting and uprooting it. A comprehensive plan for combating terrorism by all countries must be implemented so that terrorists will not be allowed to conduct their subversive activities from any territory.''

''Islam is a noble faith. It does not tolerate hatred and malice.''

[Press Release, Feb. 2, 2004]

SAUDI ARABIA'S TOP CLERIC URGES MUSLIMS TO REJECT TERRORISM

Shaikh Abdulaziz Al-Ashaikh, the Grand Mufti of Saudi Arabia and Chairman of the Council of Senior Religious Scholars, delivered a sermon to almost two million pilgrims at the peak of the Hajj. As Saudi Arabia's highest religious authority, he used this important occasion to denounce terrorism and those who perpetrate it in the name of religion.

During his sermon he highlighted the importance of educating others about Islam, so that terrorists will not be able to claim that their reprehensible actions have anything to do with the true faith: ''You must know Islam's firm position against all these terrible crimes. The world must know that Islam is a religion of peace and mercy and goodness; it is a religion of justice and guidance . . . Islam has forbidden violence in all its forms. It forbids the hijacking airplanes, ships and other means of transport, and it forbids all acts that undermine the security of the innocent.''

[Press Release, Jan. 28, 2004]

SAUDI ARABIA'S LEADING RELIGIOUS AUTHORITY CONDEMNS TERRORISM

Shaikh Abdulaziz Al-Ashaikh, Saudi Arabia's Grand Mufti and Chairman of the Council of Senior Religious Scholars, reaffirmed that Islam does not tolerate bloodshed and absolutely prohibits acts of terrorism against Muslims and non-Muslims.

During a lecture in Makkah, Shaikh Al-Ashaikh warned his listeners of the destabilizing effect that terrorism can have on society. Acknowledging that terrorism results from deviant ideas, Shaikh Al-Ashaikh emphasized the importance of educating and protecting the younger generation from such misguided thoughts. He remarked that terrorism is an aberration in a country like the Kingdom of Saudi Arabia, because the country lives under Islamic law which forbids violence and terrorism. Shaikh Al-Ashaikh added: ''The terror acts which earlier took place in Makkah, Madinah and Riyadh run counter to the teachings of Islam.''

Shaikh Al-Ashaikh has always taken a strong stand against extremism, warning Muslims that extremism and fanaticism lead only to violence and the death of innocent people. ''Islam is not a religion of violence. It is a religion of mercy for everyone,'' stated Shaikh Al-Ashaikh.

[Press Release, Jan. 8, 2004]

CROWN PRINCE PROMOTES NATIONAL DIALOGUE TO COUNTER EXTREMISM

The King Abdulaziz Center for National Dialogue recently concluded its Second National Forum for Intellectual Dialogue. The forum was entitled 'Extremism and Moderation: A Comprehensive Approach'. Some 60 participants, both men and women, discussed fifteen academic papers prepared by researchers on topics such as ''Characteristics of the Extremist Personality'' and ''The Relationship Between Ruler and Ruled, Rights and Duties of Citizens and Their Relationship with Extremism.''

Deputy Prime Minister and Commander of the National Guard Crown Prince Abdullah emphasized the importance of dialogue when he stated: ''I have no doubt that the establishment of the Center and the continuation of dialogue within its boundaries will become a historic achievement that contributes to the creation of a channel for objective expression that would have an effective impact in combating extremism and fostering a pure atmosphere that could give birth to wise positions and illuminating ideas that reject terrorism and terrorist thought.''

Following the event, Crown Prince Abdullah hosted a reception on January 3 in honor of the participants, where he stressed the importance of tolerance and moderation in both public and private lives, stating: ''Islam advocates moderation.'' Crown Prince Abdullah has repeatedly emphasized the need to address the underlying causes of terrorism. He has stated: ''The bullets that kill women and children, terrorize those secure in their safety, and destroy innocent communities, come not only from rifles, but from deviant thoughts and misguided interpretations of our great religion and its noble message.'' One of the goals of the Kingdom's initiative to promote open dialogue and national debate is the ultimate rejection of extremist ideology.

[Press Release, Nov. 25, 2003]

KING FAHD, CROWN PRINCE ABDULLAH CALL ON MUSLIMS TO UNITE AGAINST TERROR, COMBAT ROOTS OF EXTREMISM

The Custodian of the Two Holy Mosques King Fahd bin Abdulaziz and Crown Prince Abdullah bin Abdulaziz, Deputy Prime Minister and Commander of the National Guard, in a joint statement issued today, congratulated Muslims on the occasion of the blessed Eid Al-Fitr, and called upon them to ''work for the stability and security of Islamic countries and the whole world and overcome the obstacles to world peace.''

King Fahd and Crown Prince Abdullah said that the recent bombings in Riyadh had nothing to do with Islam and that Muslims should ''work together to combat the roots of extremism.'' In their message, they stated: ''We must intensify our efforts and stand united to rectify defects and distortions, correct erroneous understanding and lead delinquents to the right path.''

King Fahd and Crown Prince Abdullah also said that ''a true Muslim does not spread corruption nor does he seek destruction,'' and urged Muslims to follow the Prophet Muhammad (peace be upon him) who was an example of tolerance and mercy.

[Press Release, Sept. 4, 2003]

KING FAHD ADDRESSES ROLE OF MOSQUE IN ISLAM AND CONDEMNS EXTREMISM

The Custodian of the Two Holy Mosques King Fahd bin Abdulaziz, in a message to the nineteenth session of the World Supreme Council for Mosques August 30, emphasized the important mission of the mosque in Islam, which is to promote peace, tolerance, moderation and wisdom. King Fahd added that fulfillment of this mission will help show the youth the correct path of Islam, distancing them from grievance, aggression and evil.

King Fahd condemned all forms of terrorism and warned that terror networks were using misguided Muslim youths to further their cause. King Fahd added: ''By playing into the hands of terror networks, these youths have tarnished the image of Islam and Muslims.''

[Press Release, Aug. 21, 2003]

SAUDI ARABIA'S HIGHEST RELIGIOUS AUTHORITY WARNS AGAINST THE DANGERS OF EXTREMISM

Shaikh Abdulaziz Al-Ashaikh, the Grand Mufti of Saudi Arabia and Chairman of the Council of Senior Ulema [religious scholars], issued a statement today warning Muslims that extremism and fanaticism lead only to violence and the death of innocent people. Shaikh Al-Ashaikh emphasized that ''Muslims must understand that the path of reform never comes through violence. Islam is not a religion of violence. It is a religion of mercy for everyone.''

Shaikh Al-Ashaikh stated: ''One of the fall-outs from extremism in understanding Islam is that some people call for jihad for the sake of God without justification These people, who call for jihad, want to raise the banner of jihad to draw the youth into their ranks, and not to fight for the Almighty God.''

Saudi Arabia s religious leaders have repeatedly and unequivocally condemned terrorism in all its forms. Following the Riyadh bombings on May 12, Shaikh Al-Ashaikh stated: ''Terrorism has nothing to do with Islam . . . Islam should not be blamed for the acts of other people. People should be held responsible individually for their own acts.''

[Press Release (Excerpts), May 20, 2003]

KING FAHD VOWS TO EXPAND REFORMS

No tolerance for terrorism

In an address to the Consultative Council, King Fahd bin Abdulaziz pledged to expand the breadth and pace of reform in the country and affirmed the government s resolve to crack down on terrorism.

''The people of Saudi Arabia oppose all forms of terrorism, and will never allow any faction of deviant terrorists to harm the country and undermine the safety of its citizens and residents. We will not allow any deviant ideology that encourages and feeds terrorism'', said King Fahd. ''This nation is determined to eradicate all forms of terrorism.''

The King also emphasized that public education is critical to religious moderation, tolerance and the peaceful teaching of Islam. The King called upon religious leaders to promote social harmony and unity.

In King Fahd's words: ''It is the responsibility of our religious leaders to save our youth from the evil of destructive thoughts that propagate extremism and hatred and only result in devastation and ruin.

No one can ignore the seriousness of our move toward reform. And I say to every citizen that each one of us has a role and a responsibility in this endeavor. I say to each government official that public service is an honor, which has obligations to the public good, but does not convey any special privileges. I say to every businessman that our economy is not just a source of capital and profit, but it is an investment in national security and safety. I say to every woman that this nation is for all and you will be a partner in making its future. And I say to officials in education that they are shapers of future generations. Good education promotes character and instills values in the young for the benefit of this nation.

''And I say to every citizen that one of the most important obligations is to confront narrow mindedness, regionalism and social division. Confronting these ills is a requirement of our faith and contributes to national unity.

The world we live in is at a crossroads. We are part of this world and cannot be disconnected from it. We cannot be mere spectators while the rest of the world is progressing towards a new global system. This country is the heart of the Muslim World, and the cradle of Arab identity. Therefore, we should rise to the challenges and support each other in carrying out responsibilities and duties.''

[Press Release, May 13, 2003]

ADDRESS TO THE NATION—CROWN PRINCE ABDULLAH BIN ABDULAZIZ

In the name of God, most compassionate, most merciful

My fellow citizens:

May God's peace and blessing be upon you.

The tragic, bloody and painful events that took place in the heart of our dear capital, Riyadh, last night, in which innocent citizens and residents were killed or injured, prove once again that terrorists are criminals and murderers with total disregard for any Islamic and human values or decency. They are no different from vicious animals whose only concern is to shed blood and bring terror to those innocents under God's protection.

These tragic events should serve as a warning to the unwary, and should restore sanity to the deluded. The perpetrators are but a small group of deviants whose objective is to do harm to our society by doing damage to its security.

On the other hand, the whole Saudi nation, old and young, men and women, stand shoulder-to shoulder in condemning this heinous act and expressing their rejection of those who perpetrated it. We will be steadfast in defending our homeland, the cradle of Islam, and the heart of the Arab world.

If these murderers believe that their criminal and bloody act will shake our nation or its unity, they are mistaken. And if they believe they can disrupt the security and tranquility of our nation, they are dreaming. This is because the Saudi people, who have embraced the Holy Book as their guide and the Shari'a as their way of life, and who have rallied behind their leaders, who in turn embraced them, will not permit a deviant few to shed the blood of the innocent which God Almighty, in His infinite wisdom and justice, has sanctified. The entire Saudi nation, and not just its valiant security forces, will not hesitate to confront the murderous criminals.

There can be no acceptance or justification for terrorism. Nor is there a place for any ideology which promotes it, or beliefs which condone it. We specifically warn anyone who tries to justify these crimes in the name of religion. And we say that anyone who tries to do so will be considered a full partner to the terrorists and will share their fate. As revealed in the Holy Qur'an: ''If a man kills a believer intentionally, his recompense is Hell, to abide therein (forever): and the wrath and the curse of God are upon him, and a dreadful penalty is prepared for him.''

Further, as revealed in the Holy Qur'an, the taking of an innocent life is a crime against all of humanity. In the words of the Prophet (God's peace and mercy be upon him): ''He who kills a resident living in peace among you, will never breathe the air of heaven.''

These messages, which do not require any interpretation, provide clear evidence that the fate of those murderers is damnation on earth and the fury of Hell in the thereafter.

I vow to my fellow citizens and to the friends who reside among us, that the State will be vigilant about their security and well-being. Our nation is capable, by the Grace of God Almighty and the unity of its citizens, to confront and destroy the threat posed by a deviant few and those who endorse or support them. With the help of God Almighty, we shall prevail.

[Press Release, May 13, 2003]

PRINCE BANDAR'S STATEMENT ON THE TERRORIST ATTACKS IN RIYADH

His Royal Highness Prince Bandar bin Sultan, Saudi Ambassador to the United States, issued the following statement on the terrorist attacks in Riyadh:

The terrorist attacks on Saudi Arabia May 12 are evil and unforgivable crimes. I send my deepest condolences on behalf of the people of Saudi Arabia to all of the American victims and their families and to the Saudi, European, Arab and Asian families. My government promises that we will not rest until, together, we hunt down these criminals and bring them to justice. And when we do, their punishment will be swift and severe.

No words can express our feelings for the loss of the innocent people who were murdered and injured. Those victims were Arabs, Americans, Europeans, and Asians. They were Muslims as well as Christians. The attack was an attack on humanity. We reject the terrorists who express their hatred for our people and our friends through such cowardly actions. These terrorists have turned their backs on our people and they have perverted our faith; they do not in any way represent Islam. They only represent hatred towards all of humanity. As a nation of peace, the Kingdom of Saudi Arabia will work to protect our citizens and our friends who live and work in our country, American, Arab, European, African or Asian, Muslim or non-Muslim; and we are determined to eradicate the terrorists who bring violence and hatred to the whole world, as Crown Prince Abdullah declared today.

The target of the Al-Qaeda terrorists is Saudi Arabia and the United States and the 70-year relationship that has benefited both our peoples; and at a time when we are working together to bring peace and stability to the people of the Middle East, their aim is to destroy our alliance through violence. But they will not succeed. We say to the people of the United States, as your friend and ally, you can rely on us to do our part as we have done in critical times in the past. We will continue to hunt down the criminals, we will continue to cut off their finances and we will bring them to justice.

On this day, grief and pain weigh on our hearts. I pray that God Almighty continues to give us the wisdom and courage that will lead our nations and the world into a new era of peace and prosperity for all mankind, of all faiths.

[Press Release, Feb. 13, 2003]

SAUDI KING AND CROWN PRINCE ADDRESS MUSLIMS

Statement contains messages of peace, and stance on Iraq

The Custodian of the Two Holy Mosques, King Fahd bin Abdulaziz, and Crown Prince Abdullah bin Abdulaziz, Deputy Prime Minister and Commander of the National Guard, issued a statement Monday from the Holy Site of Mina on the occasion of Eid Al-Adha 2003, addressing the 2 million pilgrims gathered for Hajj and all Muslims everywhere.

The following are excerpts from the statement.

''. . . Islam is a religion of peace and tolerance, ease in the implementation of religious teachings, duties and rites; and tolerance in day-to-day dealings with people . . .''

''. . . The government of Saudi Arabia has condemned terror in all its forms. It took a leading role in urging the international community to challenge this sinister world phenomenon . . .''

''. . . In this world, the Muslim has a constructive role to play, and he should strive to prove that he is equal to the task. He should endeavor to promote the welfare of mankind and preserve the five necessities as is required by religion, namely: religion, mind, honor, self and property . . .''

''. . . The [Kingdom] set into motion the call to Islamic solidarity to bring Muslims together, overcome dissensions and eliminate their causes, promote all that may lead to harmony and eliminate all that may lead to misunderstanding . . .''

''. . . Towards this end the Kingdom of Saudi Arabia submitted a peace initiative to the 14th Arab Summit held in Beirut [in March 2002]. The Saudi initiative was adopted by the Summit and became an Arab peace plan with international support.''

''Our attitude towards the Iraq situation and towards complete disarmament in the area of weapons of mass destruction is within the aforementioned principles. In fact it is an endeavor to put these principles into practice. We are doing all we can to spare Iraq and its people as well the entire region, the dangers and woes of war and its ramifications. We hope that the efforts being made to solve the crisis by peaceful means will be successful. Likewise we hope that reason will prevail and that constructive dialogue be given a chance to find a peaceful resolution.''

''With regard to weapons of mass destruction, whether in this region or in any other part of the world, the Kingdom lends its full support to international efforts to eliminate such weapons irrespective of whether they are nuclear, chemical, or biological. The Kingdom calls on the international community to do all that is necessary to support all efforts required to eliminate weapons of mass destruction . . .''

[Press Release, Feb. 11, 2003]

SAUDI RELIGIOUS LEADERS FORBID ATTACKS ON NON-MUSLIMS

Saudi Arabia's Council of Senior Ulema (Religious Scholars) has issued an edict condemning attacks and other violence against innocents. The edict also conveys that it is a crime to randomly judge people as ''infidels'' and target them for violence.

The Grand Mufti of Saudi Arabia and Chairman of the Council of Senior Ulema Shaikh Abdulaziz Al-Ashaikh said that this is a very serious matter as it relates to the shedding of innocent blood, the bombing of buildings, and the destruction of public and private installations. The edict issued by the Council on this matter is as follows:

''The acts of shedding the blood of innocent people, the bombing of buildings and ships, and the destruction of public and private installations are criminal acts and

against Islam. Those who carry out such acts have deviant beliefs and misguided ideologies and are to be held responsible for their crimes. Islam and Muslims should not be accountable for the actions of such people. Islamic Law clearly prohibits leveling such charges against non-Muslims, warns against following those who carry such deviant beliefs, and stresses that it is the duty of all Muslims all over the world to consult truthfully, share advice, and cooperate in piety and righteousness.''

Violence against Westerners has not been an issue or problem in Saudi Arabia. However, the religious authorities took this step to reinforce the prohibition in Islam against all forms of violence.

[Press Release, Feb. 4, 2003]

STATEMENT REGARDING SAUDI EDUCATION SYSTEM

In 70 years, Saudi Arabia has formed a nationwide educational system that provides free education from preschool through university to all citizens. Today, there are eight universities, over 100 colleges and more than 26,000 schools. Some 5 million students are enrolled in the educational system, which boasts a student to teacher ratio of 12.5 to 1.0—one of the lowest in the world.

The Saudi government recently conducted an audit, which determined that about five percent of school textbooks and curriculum guides contained possibly offensive language. A program is now in place to eliminate such material from schools. Saudi Arabia's Crown Prince Abdullah recently urged a gathering in Riyadh of young people from around the world to shun extremism, saying: ''Ours is a tolerant and temperate faith and we must conduct ourselves accordingly. There is no room for extremism or compulsion in Islam. In fact, it violates the tenets of our faith and the traditions of our Prophet.''

The Crown Prince also told the gathering: ''Wisdom and reason must guide your statements and actions; you must not let emotions sway you. It is your responsibility, when you return to your nations, to counsel people to employ wisdom, patience and reason in dealing with issues.''

Foreign Minister Prince Saud Al-Faisal recently stated: ''We are working very hard to build a world-class educational system which will help our children be prepared to make substantial contributions to the global society. Our schools and our faith teach peace and tolerance.''

The Saudi commitment to its education system also includes approved budgets for the construction of 780 new schools as well as improvements to another 380 schools. Part of this funding will improve and equip a number of educational facilities, such as supplying schools with computers and laboratory equipment. The funding will also provide maintenance to existing schools.

[Press Release, Jan. 13, 2003]

SAUDI CROWN PRINCE CALLS FOR MODERATION AND TOLERANCE

At a gathering hosted at his home in Riyadh for distinguished visitors to the Al-Jenadriyah Festival, Crown Prince Abdullah called upon regional leaders to promote moderation and tolerance. He said that this was a time for deep thought and reflection, for tolerance and moderation, for honesty and sincerity. He urged scholars and intellectuals to exert their efforts toward bringing people together not dividing them.

''The scholar, the author, the thinker, the philosopher and the poet all must strive to bring humanity together'', stated the Crown Prince. ''I have faith in your ability to contribute to the greater good.''

The Crown Prince also commented: ''Reason, patience, moderation and kind words help bring people together.''

He urged those assembled to reject extremism and intolerance.

[Press Release, Dec. 7, 2002]

MOSQUES NOT TO BE USED AS POLITICAL PLATFORMS

Official order sent to Imams and Khuttab

In an official letter to Saudi religious leaders, Shaikh Saleh Al-Ashaikh, Minister of Islamic Affairs, said restrictions have been put in place to prohibit unauthorized persons from making speeches at mosques. The order, distributed as part of a new program for the care of mosques and their workers, warned speakers at mosques against making provocative speeches and inciting people.

The letter said that mosques are meant only for prayer, guidance and other pious activities and should not be used as political platforms.

Al-Ashaikh warned speakers against misusing mosques to make provocative speeches or incite people or exploit mosques by reciting poems in praise of some misguided people. Violators of the order can be subject to severe punishment, including removal from office.

Al-Ashaikh also commended the efforts of the imams and khuttab in fulfilling their religious duties by leading people in prayers and providing advice and guidance. He also called upon the imams and khuttab to serve as models for others by spreading love and brotherhood.

EXCERPTS FROM A LETTER SENT BY CROWN PRINCE ABDULLAH TO PRESIDENT GEORGE W. BUSH ON SEPTEMBER 10, 2002

''. . . terrorism has no religion or nationality it is pure evil, condemned and abhorred by all religions and cultures.

''We in Saudi Arabia felt an especially great pain at the realization that a number of young Saudi citizens had been enticed and deluded and their reasoning subverted to the degree of denying the tolerance that their religion embraced, and turning their backs on their homeland, which has always stood for understanding and moderation. They allowed themselves to be used as a tool to do great damage to Islam, a religion they espoused, and to all Muslims. They also aimed at causing considerable harm to the historic and strong relationship between the American people and the people of Saudi Arabia. I would like to make it clear that true Muslims all over the world will never allow a minority of deviant extremists to speak in the name of Islam and distort its spirit of tolerance. Your friends in the Kingdom of Saudi Arabia denounced and condemned the September 11 attacks as strongly as did the American people.

''. . . nothing can ever justify the shedding of innocent blood or the taking of lives and the terrorizing of people, regardless of whatever cause or motive. Therefore, we do not simply reiterate sincere and true condolences to the relatives of the victims, but assure all of our continued will and determination to do our utmost to combat this malignant evil and uproot it from our world.''

One of the things I hear within my own press here in the United States, why are not more of the Muslim Nations speaking out against terrorism. Well, Mr. Speaker, here is a book full of it. Who are these people? The king and crown prince address the Nation; Saudi Arabia's top clerics urge Muslims to reject terrorism; Saudi Arabia's leading religious authorities condemn terrorism in public statements; King Fahd, Crown Prince Abdallah call on Muslims to unite against terror, combat roots of extremism; Crown Prince Abdallah Aziz statements against terrorism; and the entire Cabinet and Shura Council statements on combating terrorism and rejecting it. The key I think in here is the top leading Muslim leaders within their religious contract purport and talk about the negligence of terrorism itself.

Mr. Speaker, the dialogue is so key and the things that we do. I have an article here. I want to talk about peace in the Middle East and a little bit of how I see that we are going to purport, though this is a one man's opinion and I wish it had been my vision, but greater men with greater visions purported this. It has already passed by the United Nations. It was accepted by the United States. It was supported by the Arab League, and it was supported by Crown Prince Abdallah Aziz.

This article recently in, I believe it is the New York Times, talks about a Sharon's plan to reunite the Gaza and the West Bank, primarily the Gaza in this article.

[From the New York Times, Sept. 13, 2004]

ISRAELIS PROTEST SHARON'S PLAN TO OUST JEWS FROM GAZA

(By Greg Myre)

JERUSALEM, Sept. 12.—Tens of thousands of right-wing Israelis packed the streets of central Jerusalem on Sunday night in the latest mass protest against Prime Minister Ariel Sharon's plan to withdraw Jewish settlers from the Gaza Strip.

The rally occurred just hours after Mr. Sharon said at a cabinet meeting that growing incitement by right-wing activists could lead to violence, or even civil war in Israel.

''We have witnessed in the past few days a very grave campaign of incitement, I would say, with calls that in essence are aimed at inciting a civil war,'' Mr. Sharon told his ministers in the first few minutes of the meeting, which was filmed by television crews. ''I see this as very grave.''

The demonstrators, meanwhile, filled Zion Square in a rally organized by settlers and their backers as part of their efforts to derail the plan to pull out of Gaza, tentatively set for next year.

''Sharon, what happened to you?'' read one banner, referring to his decades of strong support for settlements. ''The government of Sharon is a government of destruction,'' said another held by the protesters, many of them young settlers.

The prime minister has said he sees no future for Israelis in Gaza, and is willing to leave the territory while trying to strengthen Israel's hold on the much larger West Bank settlements.

Both developments reflect the mounting tension in Israel as Mr. Sharon prepares to proceed with the withdrawal plan, which has the backing of most Israelis, polls show. But the Gaza pullout faces strong opposition from the well-organized settlers, in addition to segments of Mr. Sharon's own Likud Party and some other traditional supporters.

In recent days, some right-wing settler activists have warned that government efforts to remove the 8,000 settlers from Gaza, which is home to 1.3 million Palestinians, could lead to open conflict among Israelis. Mr. Sharon urged his cabinet ministers to speak out against such threats, though a number of ministers are opposed to the withdrawal.

Zevulon Orlev, the social welfare minister and a critic of the Gaza pullout, said it was wrong of Mr. Sharon to blame the settlers for the tense political atmosphere.

''How did we get to a process of decision making that some say is tainted with illegitimacy?'' Mr. Orlev told Israel radio. ''The prime minister and the cabinet must do some soul searching.''

Despite several opinion surveys showing solid public backing for a Gaza withdrawal, Likud Party members rejected the plan in May. But the ballot was nonbinding, and Mr. Sharon later secured a slim majority in his cabinet for the pullout. In recent weeks, Israeli authorities have said repeatedly that they fear an extremist could attack a political leader or a security official.

In 1995, Prime Minister Yitzhak Rabin was shot by a Jewish extremist opposed to his interim peace agreements with the Palestinians, which included handing over some land that Israel captured in 1967.

The Yesha Council, the main group representing settlers in the West Bank and Gaza, said it would use only lawful means to oppose the withdrawal. The group has organized several large protests in recent months, including the one on Sunday.

''We believe the disengagement plan is harmful to Israel, but we only support peaceful protests,'' said Josh Hasten, a council spokesman. ''We are saddened by the prime minister's comments, which seem to depict an entire group in an unfavorable light.''

The Palestinian leadership supports an Israeli withdrawal from Gaza but wants the pullout to be coordinated with the Palestinians, a demand Mr. Sharon has refused.

The Palestinians, who are seeking a state based on the lines that existed before the 1967 Arab-Israeli war, are also demanding a withdrawal of all West Bank settlers. The settler population has been growing at a rate of around 10,000 annually in recent years.

In another development on Sunday, a lawyer representing Israel told the High Court of Justice in Jerusalem that the state would re-examine parts of a West Bank separation barrier that has been constructed near Qalqilya, a Palestinian town, those present said.

The Association for Civil Rights in Israel filed the petition on behalf of Palestinian villagers who have been cut off from farmland and face other difficulties, said Yoav Loeff, a spokesman for the group. The judge gave the state 60 days to respond, Mr. Loeff said.

It will be the first time the state will reexamine a significant section of the barrier that has already been built, he said.

Also on Sunday, Israel charged six Egyptian students with plotting to kidnap and kill Israeli soldiers in an effort to support the Palestinians. The six, who were charged in Beersheba in southern Israel, had been arrested two weeks ago near the desert border, armed with knives, Reuters reported.

□ 2320

Mr. Speaker, I ask you, can we, as a world, as the United States, watch Israel and Palestine destroy each other increasingly day by day, more and more; as we watch Arafat and his direction of terrorism, and as we look at Israel on both sides, Israel and the Palestinians' loss of life, which affects us in the United States, and it affects the Arab nations, and it affects the world.

I believe the key to peace is one initiative that was supported by the Crown Prince before the Arab League. It basically reports resolutions 194, 242 and 338, which say, basically, that Israel should turn back the occupied lands prior to 1967.

Now, this is coming from a strong supporter of Israel. I flew in Israel in the 1970s. I flew Mirage there. I have many Israeli friends and I have many Persian and Arab friends. But I believe that a strong, free Israel, an Israel that is not attacked daily, an Israel that does not have to kill its own neighbors to support itself is a much better world. If we implement those resolutions supported by the United Nations, supported by the Arab League, supported by the United States, supported by NATO, which never made it into power, it never made it into law, then we would have a much better Israel and a safer world.

Now, if Israel gave back the occupied territories, they would be attacked. But in this resolution the Arab League says any act or group or nation that attacks Israel, the Arab League will act to defend Israel itself. Would they be attacked? Absolutely. If you are a terrorist and there is peace, you are out of a job. You lose all the power that you have, the money, the support, and the ego. And just like in my home country of Ireland, you would have terrorists at will.

But just imagine, Mr. Speaker, if that happened and you had other nations, four dimension, that would come to the aid of Israel and make it stronger; and have within the borders itself and just outside the borders, the Arab nations, supporting Israel. Can you imagine a vision of world peace in the near future? I do not think we can the way it is going, Mr. Speaker.

Eight thousand settlers, of course, within Gaza oppose this. The majority, the majority of Israelis support this because they are tired of their families being murdered. Palestinians are tired of their families being killed and slaughtered on a daily basis. Most of the majority of Palestinians and Israelis, I believe, want peace.

At one time, Mr. Speaker, I would have told you that Arafat has to go, just like in former Yugoslavia Izetbegovic with the Muslims, Tudjman with the Croatians, and Milosevic with the Serbs. They were too long in the tooth. They had too much bloody history behind them. I do not think there was ever any way for Yugoslavia to get itself out of the pit it was in, and I do not believe with Arafat there is a way to get out of that pit. At one time I thought Sharon had to go as well.

But as I spoke to the leadership in Saudi Arabia, they said, Duke, maybe the Prime Minister is the only person that can make this happen. Maybe he is the only person in Israel that can pull the Likud group together, along with the settlers, and turn back the occupied lands. I guess we will have to see, Mr. Speaker.

I want to talk now about the education system that has been changed in Saudi Arabia, to the benefit of the United States and to the citizens of Saudi Arabia itself, with the banks they have gone through. I also want to talk about the oil system. All the way back to the 1940s, for 60 years, Saudi Arabia has supported the United States. Even in the 1970s, with the Arab oil embargo, Saudi shipped the United States oil during the Vietnam conflict to make sure our soldiers were safe. When we went in to Desert Storm, Saudi Arabia allowed us to operate out of their bases. During the current Afghan raids, Saudi Arabia allowed us to use their bases. And against Iraq, the same.

Put yourself in the position of Saudi Arabia, though, and you have a neighbor that is a wolf. If the United States fails in going into Iraq, or we pull out now, early, and all of those terrorists and extremists that want Iraq and Afghanistan and every state in the Middle East to espouse the Muslim extremist doctrine, it also puts the Saudis at risk as well.

So they do go slow sometimes; but I have to say that, with what they have done in support of the United States in their education system, in their banks, in information, and against terrorism, Mr. Speaker, we have an ally there. And the system that we need to take a look at right away, and which Colin Powell is working on, is the visa system itself.

Let me read just a few of these initiatives and actions taken by Saudi Arabia to combat terrorism.

They have arrested more than 600 individuals in these past few weeks. They have dismantled a number of al Qaeda cells. They have seized large quantities of arms caches and explosives. They have extradited suspects from other countries to be tried. They have established a joint task force with the United States in which our own Permanent Select Committee on Intelligence speaks with on a daily basis. There is international coordination between MI–5, Interpol, the United States and other nations. They have looked at the charitable organizations, and they have one now that goes through a filtering system that is audited by the U.S., by Australia, the British, and the Canadians. The legal and regulatory actions to combat terrorism have stepped up 100-fold, according to Colin Powell.

Mr. Speaker, I would like to submit for the RECORD these three books that go on to talk about some of the things that Saudi Arabia has done.

Mr. Speaker, I have seen on this House floor resolutions. And, frankly, quite often we here in this body think a simple nonbinding resolution does not get beyond the walls, or maybe just into a couple of households. But we had a resolution on this House floor, Mr. Speaker, that most of us voted for but had no idea the impact it would have. To Saudi Arabia and to the Saudi citizens it was a slap in the face.

□ 2330

Sometimes we learn slowly or are actually part of the problem, Mr. Speaker but we cannot continue to do that. If I was Osama bin Laden and I wanted to separate an ally from the United States, I would have done exactly the

same thing that he did. Because he is not just after the United States; he is after the Saudi Government itself. After all, they were the ones that kicked him out. Crown Prince Abdullah's peace plan, which many Israelis found hopeful. Why? Because it was introduced in a time of immense ill will between Arabs and Israelis, because Saudi Arabia was viewed as the least likely to ever agree to diplomatic relations with Israel. But instead we have a Crown Prince that is a visionary. He, in my opinion, is like President Sadat was to Egypt. The Crown Prince should be praised and applauded, not castigated for his efforts, which is consistent with the U.S. position and with United Nations resolutions, in particular resolution 194, 242 and 338.

TO CAST ASIDE A FRIEND

I had dinner with a Saudi businessman this summer and one of the first things he said to me was how very sorry the world and particularly Saudi Arabia were about the murderous events of September 11th. I can tell you that our grief was his grief. If possible, he felt as deeply about this crime and tragedy as we do. And he was extremely worried about derailment of the partnership and alliance that Saudi Arabia and the United States have enjoyed for the past 60 years, for the betterment of the free world.

There has been a firestorm of criticism against Saudi Arabia in the months since 9/11 and the relationship between the United States and the Saudis has been condemned and vilified. I told him that I believe Saudi Arabia remains a valuable ally. We have our differences, but any alliance will have its ups and downs over six decades.

What are the issues raised by the critics?

First, the detractors say that Saudi Arabia is an incubator of terrorism, simply because 15 of the 19 hijackers on 9/11 were Saudi citizens.

You may have a gang of tens, hundreds or even thousands of men in any single country, but that gang does not necessarily represent the mainstream.

Moreover, Osama bin Laden was targeting Saudi Arabia not just the United States, and more specifically, he was targeting the relationship between the two countries by using Saudi Arabians as hijackers on 9/11. After all, we know he could have used a dozen different nationalities. Bin Laden wants to bring down the Saudi regime, which condemned and expelled him years ago. He hates the Saudi government and classifies Saudi Arabia as non-Islamic, and he is particularly keen on exterminating the religious authorities inside the Kingdom. This is a similar goal as Saudi Arabia's American critics, who in fact are doing Bin Laden's work for him in a more efficient manner.

Second, the disparagers say that Saudi Arabia is an incubator of terrorism because its school system systematically teaches their kids to hate America and Western values. I am not an expert on the Saudi educational system, but I can tell you that this allegation is nonsense. For years, English language has been taught and Western gadgets used in schools starting at age 12 and soon the study of english will start at age 9 . . . Kingdomwide. This would be a very very strange way to promote the so-called anti-Westernism. So would the fact that the government sends thousands of students to study in the U.S. and Europe on full scholarships. In 2001 there were more than 5,000 in the U.S. alone and even more sent privately. This shows how ridiculous it is to allege that the Saudi government is determined to teach their kids to hate America.

Furthermore, the Saudi educational system has to be taken within the context of deeply rooted cultural and religious values cherished by around 1.4 billion Muslims around the world. But those values should be construed as being anti-Western or anti-American. Nor should we for a moment consider that every human being living on this globe should follow our way of life. Being the home of the holiest shrines of Islam, Saudi Arabia has a responsibility that deserves a better understanding. Aside from that, the Saudi educational system, just as elsewhere in the world, is subject to revisions on an on-going basis and has recently witnessed some changes as declared by Prince Saud Al-Faisal, the Foreign Minister.

Third, those criticizing the Kingdom say that it is an exporter of terrorism through its support of religious schools and mosques abroad. How hypocritical. It is very convenient for them to forget that the U.S. government eagerly encouraged the Saudis to donate schools and mosques in Pakistan to provide infrastructure for the fight against the Soviet Union in Afghanistan; and that the U.S. government was enthusiastic about the Saudi funded schools throughout the Muslim world in order to stem the tide of Ayatollah Khomeini's export of radicalism. As for controls over these contributions, it is obvious that mistakes were made. But there is plenty of blame for both parties, and the Secretary of the Treasury O'Neil has applauded the Saudi efforts to establish effective control.

There are a lot of American critics who seem to think that they can run Saudi society better than the Saudis. Let me say that if the concern is the anti-Israeli sentiment in the media or if the desire is more Saudi involvement in an action against Iraq, you will be sorely disappointed if either the press or the political process is thrown open. The Royal Family has balanced openness; progress and modernization on one hand with a deeply conservative, tribal and religious population on the other. Pressure from Washington will work against the progressive elements. They need to proceed at a sustainable pace . . . with our good-will and encouragement but not with our arrogant, condescending dictates. Much needs to be done and the leading Saudi reformers are the ones to do it.

On the other hand, if there is really a feeling amongst us that anger against us, rather than hate—to be precise, is sweeping the region, including Saudi Arabia where it is possibly the least pronounced, is it not worth our while to find out why? Many voices in the region at the official and public levels cite biased and heavy-handed American foreign policy, which is no secret. Let us address the situation, I emphasize, on the basis of an objective examination of our long-term and strategic interests.

Extremism is by and large a cause/effect phenomenon and the cause could be anywhere from religious, political, economic, societal factors and grievances to a combination of one or more of these elements. It cannot be attributed solely to an educational system. Why don't we try to scratch deeper than the surface. I think we do have the magnanimity to conduct a soul-searching exercise to determine how and where our policies might have gone awry; this could be a highly beneficial exercise.

Let me say that the Royal Family has worked very very hard to modernize their country and to do so in a way that accommodates the United States. Radical Islam is a product of the rejection of modernization and this is why Osama bin Laden and his cohorts want to destroy the Royal Family. I do not think we should be in the business of promoting Bin Laden's agenda for any reason, much less to the direct and immediate detriment of ourselves and our friends. In fact, because Saudi Arabia is at the center of Islam and Arab World, never in our history have we been in greater need for their alliance.

Since we have touched upon the subject of modernization, let's ask the question: has the Saudi government used its oil wealthy wisely towards that end?

The government has proven time and time again to be an effective instrument of progress in such a conservative society. In fact, one could make a strong case that the most effective method of modernization in such a strongly tribal, nomadic and deeply conservative culture was the one that evolved in Saudi Arabia.

Let me not leave you with the impression that I believe the Saudi government and Royal family are perfect—no government system is for that matter. As far as we are concerned the Saudi regime has a long way to develop. but Americans being a true ally of Saudi Arabia for decades can and should help them to evolve.

Over the past 30 years alone, the Saudi government has invested $1.2 trillion and transformed a desert into a modern, viable nation. Before the discovery of oil in 1932, Saudi Arabia's meager income came from the annual pilgrimage. Now its GDP ranks 30th out of 186 nations. The Saudis also understand the necessity for a diverse economy. They have built two large industrial cities, numerous industrial parks, loaned about $10 billion for new businesses and have more than 2,500 new factories, giving preference always to U.S. companies.

Simultaneously, they have invested in their people by building thousands of schools, 8 universities, over 300 hospitals and 100,000 miles of paved roads.

They have not squandered their opportunities, but this is not to say that they do not have problems. In 60 years they have transformed themselves from a nomadic society to one which is 85 percent urban. Unemployment among the young emerged because of a mismatch between skills and jobs. The government understands the problem and is expanding technical and vocational training on one hand and replacing foreign workers with Saudis on the other. They are very conscious of the problem and, as allies, we should urge the Administration to help them through its various organs.

And they have not neglected their self-defense. Hand-in-glove with the U.S. military and defense contractors, Saudi Arabia has build its military forces. Yet there are those that devalue our partnership by stating that Saudi Arabia does not cooperate with the United States militarily.

Ridiculous.

In the 1980s, Saudi Arabia's donations to the Afghan Mujahideen were matched dollar for dollar by the U.S. government in our joint drive against communism.

In the 1980s, Washington and Riyadh cooperated very closely to stop military aggression by Iran.

Even at oil embargo times Saudi Arabia fuel supplies to the U.S. armed forces never stopped.

In 1990, the U.S. government received complete Saudi cooperation in the war against Iraq.

After Desert Storm and up until today, there has been crucial Saudi support in maintaining the southern ''no-fly'' zone in Iraq.

During our most recent campaign in Afghanistan, the Saudis provided access to the command and control facility at the Prince Sultan Air Base. This is an excellent record of alliance.

When the nay-sayers criticize Saudi Arabia for not supporting a war against Iraq because the Kingdom wants to use the U.N. sanctions and diplomatic solutions to bring Saddam to heel and because it has not been shown any link between Saddam and 9/11, how is this different from the position of Brent Scowcroft and Dick Armey or Germany and an array of others, inside and outside the U.S.A.? Believe me, no one in the Saudi government will shed a tear at Saddam's demise, but Iraq is their neighbour and the Saudis are justifiably cautious when asked to commit to such schemes which will devastate an innocent Iraqi populace.

Not only in Saudi Arabia but in the whole world, sentiments run high against U.S. military action against Iraq; people are wary that it will wreak havoc and destruction on an already beleaguered people. On the other hand, if possession of weapons of mass destruction is the motive for such a war you cannot detract people in that part of the world from also pointing fingers elsewhere. And we have to recognize that.

Furthermore, it is asserted that we cannot trust Saudi Arabia to be a supplier of our energy needs. This is absolutely absurd. Saudi Arabia's policy for the past 25 years has been not to use oil as a political weapon. Saudi policy makers maintain stable prices and stable supplies of oil throughout the world. They have often sold their oil at a $4 discount below world market price to ensure affordable oil is available to the free world. Most oil exporters produce as much as they can. However, for many years Saudi Arabia has played the role of swing producer, increasing or decreasing production in order to avoid spikes in the pricing. Most notably Saudi Arabia continued this policy even though it could use the extra income due to the expense of the Gulf War in 1990–1991 which cost them over $60 billion. I am not saying the Saudis are angels sacrificing their interests for the sake of consumer countries, but I am saying that their energy interests match ours and have done so for 60 years. To throw the overboard for some pie-in-the-sky Russian supply scheme is lunacy.

Moreover, there are those who claim that Saudi Arabia is a stumbling block to peace between Israel and Palestine. They assert that Saudi Arabia fuels terrorist organizations in the Occupied Territories. As to the last assertion, the Saudis adamantly deny this. They say that their government's aid to Palestinians is humanitarian . . . clothes, food, medicine and shelter . . . and assertions to the contrary have never been proven. In fact, I believe that their attitude toward peace is demonstrated by Crown Prince Abdullah's Peace Plan, which many Israelis found very hopeful. Why? Because it was introduced in a time of immense ill-will between Arabs and Israel; because Saudi Arabia was always viewed as the least likely to ever agree to diplomatic relations with Israel; and because the whole Arab World has agreed to the plan. The Crown Prince should be praised and applauded, not castigated, for his effort which is consistent with the U.S. position and U.N. resolutions, particularly Resolution No. 194, 242 and 338.

Let us swap positions with the Saudis and explore how they, both at the official and populace level, see us. And for that purpose, let us take the Palestine question—the most inflammatory in the region—as a yardstick to gauge how our positions diverge or converge. The Saudis cannot ignore that we side with Israel across the board, providing it with political and military cover to the detriment of the Palestinians. Is it not true that we vetoed over 70 U.S. resolutions favouring Palestinians, thereby insulating Israel from international consensus and even censure?

On the ground, and as a daily routine, Israeli tanks roll into Palestinian territories. There, the Arabs see the Israeli army, strongest in the region, devastatingly using a U.S. supplied sophisticated arsenal against Palestinians, sparing no houses, farmland or civilian lives; lives of civilians who are only seeking their right to self-determination in line with the will of the international community.

How can the Arab on the street reconcile himself with this? Even the closest of our friends are dismayed and embarrassed at our deteriorating credibility. Under such pressure, the most moderate regime will only have to identify with its people's sentiments and legitimate concerns; hence the disappointment with U.S. policies.

Historically speaking, we must not forget that Saudi Arabia has all along been accused by Arab radicals as being the most moderate Arab country and the staunchest friend of the West. In so far as the Arab-Israeli relationship is concerned, what Saudi Arabia is obviously after is a lasting and just peace, not a lopsided or one-sided one, based on U.N. resolutions. This has been unequivocally highlighted in the plan I've just referred to and has been a standing policy line for Saudi Arabia.

Despite all pressures, Saudis say, they went out of their way to maintain their moderate posture. But, have they been immune from Israeli provocations? Unfortunately not. Among other things, Israel has been making provocative air sorties over the Saudi air bases and I personally know how humiliating this must be.

Having said that, do we, as lawmakers, accept to fall for the paradox of calling Saudi Arabia a ''stumbling block'' to peace?

For the sake of our ally and friend Israel and our unwavering commitment to its security and longevity, I urge our Administration together with the U.N. and our allies in Europe to work diligently to impose peace in line with U.N. resolutions—this will inevitably make the world a safer place for us, for our Israeli friends and for the rest of humanity.

Finally, let us look at this purely from a selfish perspective. The Saudis have more crude oil than anyone else; 25 percent of the world oil reserve, a commodity by all accounts that is going to be the main source of energy for the next two decades at least. They have a proven track record of handling this resource wisely. Crude oil is strategic. Let's cooperate with them.

From a security and policy view point the question that occurs to me here is how many friends do we have in the region with a historically rooted and abiding relationship as is the case with Saudi Arabia?

Let me conclude by saying that Saudi Arabia is not the enemy. In the recent words of our President, ''Saudi Arabia is our eternal friend''. But if we continue to assail, insult and threaten them, we will jeopardize the relationship.

And make no mistake, those that denounce the partnership know very well that their denunciations can be self-fulfilling. What folly . . . . to cast aside a proven friend for someone else's purposes.

IRAQ WATCH

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under the Speaker's announced policy of January 7, 2003, the gentleman from Washington (Mr. INSLEE) is recognized until midnight.

Mr. INSLEE. Mr. Speaker, I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. I thank my friend for yielding. Here we are once more this evening for the next half hour to talk about the situation in the Middle East. It seems that we have been doing this now for, I think, 15 or 16 months. We describe it as the Iraq Watch. I understand, also, that tomorrow night we will be back here shortly before the conclusion of the legislative business for the day prior to the Vice Presidential debate which is scheduled for tomorrow night between Vice President CHENEY and Senator EDWARDS.

Speaking of the Vice President, I remember being somewhat taken aback by the continued allegation by the Vice President relative to the relationship between al Qaeda and Saddam Hussein. Of course, just recently I read again where the Vice President makes allusions to some sort of link between al Qaeda and Saddam Hussein.

Mr. CUNNINGHAM. Will my friend yield for just 10 seconds on that issue and then I will leave you alone?

Mr. DELAHUNT. Yes, I will. Of course.

Mr. CUNNINGHAM. I will be happy to provide the 9/11 report. The committee graphically details from 1990 to 2000, to when Saddam Hussein was captured, his linkage with al Qaeda and it is in the 9/11 report.

Mr. DELAHUNT. With all due respect to my good friend from California, I have read the report. I have read it in considerable detail. I agree with the chairman of the 9/11 Commission after my review of that report that was done by an independent commission comprised of five Republicans and five Democrats. In fact, this past June the chairman of the commission, a former Governor of New Jersey, Tom Kean, had this to say in an interview that

was broadcast over one of the networks. The report concluded that there was no operational link between al Qaeda and Saddam Hussein, that it was absolutely not borne out by any of the evidence that was available to them. In fact, the former Governor, and let me underscore the fact that he is a highly respected member of the Republican Party, had this to say. These are his words, not my words:

''We believe that there were a lot more active contacts frankly with Iran and Pakistan than there were with Iraq. Al Qaeda did not like to get involved with states unless they were living there. They got involved with Sudan. They got involved where they lived. But otherwise, no,'' he said on ABC's ''This Week.'' I think it is rather clear from the 9/11 report that there were no links between Saddam and Osama bin Laden. But again that does not seem to deter the Vice President from continuing that fiction. But again that does not appear to be unusual for the Vice President, because it is clear that the Vice President was one of the more significant influences in the determination to seek the military intervention with Iraq.

In a review of the book by Bob Woodward that was posted, by the way, on the Bush-Cheney campaign Web site, there was a particular excerpt that I thought was very informative about the role of the Vice President in the effort to convince the American people about the need to go to war in Iraq. Again, I am reading from an excerpt from that book by Bob Woodward. It describes the differences between the Secretary of State, Colin Powell, and his observations and that of the Vice President. I am now reading:

''Powell thought that Cheney had the fever. The Vice President and Wolfowitz kept looking for the connection between Hussein and September 11. It was a separate little government that was out there, Wolfowitz, Libby, Under Secretary of Defense Douglas Feith and Feith's 'gestapo office,' as Secretary Powell privately referred to it. Cheney now had an unhealthy fixation. Nearly every conversation or reference came back to al Qaeda and trying to nail the connection with Iraq. He would often have an obscure piece of intelligence. Secretary Powell thought that Cheney,'' he is referring to the Vice President obviously, ''took intelligence and converted uncertainty and ambiguity into fact. Cheney would take an intercept and say it showed something was happening. 'No, no, no,' Powell or another would say. 'It shows that somebody talked to somebody else who said something might be happening.' A conversation would suggest something might be happening and the Vice President would convert that into a 'we know.' Secretary Powell concluded we didn't know and no one knew.''

I think it is unfortunate that, to use the words of Secretary Powell, that the Vice President had the fever, had a fixation about Iraq and some sort of operational link with al Qaeda when none existed.

□ 2340

And unfortunately, it has been repeated over and over and over again so that many Americans accept it, despite the conclusion reached by the 9/11 Commission. It simply did not exist.

My friend from California talks about 1990 and Iraq, and I would remind my friend from California that, back in 1990, the President's father, George Herbert Walker Bush, made every effort to forestall sanctions that were passed by this House prior to the Gulf War that would have been imposed on Iraq and the Saddam Hussein regime. Not only is there inconsistency here, but please do not talk about 1990 and prior to the Gulf War when this government, the United States Government, under the President's father, George Herbert Walker Bush, had what only can be described as a special relationship with Saddam Hussein. Saddam Hussein was taken off the terrorist list in 1984. It was that administration that installed an embassy in Baghdad in 1986. It was that administration that provided, if you will, the dual-use technologies that could be utilized in the development of a nuclear weapons program to be shipped to Iraq. I mean inconsistency is not a strong enough word. But maybe this is what prompted RICHARD CHENEY, the Vice President, to be so obsessed and fixated with Iraq.

The last time we were here, we discussed the need to be forthright and to acknowledge mistakes and not paint a picture that is simply not matched by the reality on the ground in Iraq. It is important to heed the advice of a former member of the administration, David Kay, who was responsible for finding weapons of mass destruction in Iraq, who was appointed by the Bush-Cheney administration to do so, and came back and testified before the Senate Foreign Relations Committee that we were all wrong. Well, we were wrong about the weapons of mass destruction. We were wrong about links between Saddam Hussein and al Qaeda. And it is dangerous, let me suggest, to continue to attempt, for whatever purpose, and I am not impugning the motives or suggesting that there is a political reason that the Vice President continues to try to maintain that link because far be it from me to question his motives, but, again, to quote David Kay, former member of that administration, when told that the Vice President continued to suggest that weapons of mass destruction might still be found in Iraq, said the following, ''what worries me about Cheney's statements is, I think people who hold out for a hail Mary pass delay the inevitable looking back at what went wrong.'' I believe we have enough evidence now to say that the intelligence process and the policy process that used that information did not work.

Mr. INSLEE. Mr. Speaker, will the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from the State of Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I think it is abundantly clear that the Vice President has some explaining to do to the American people about what happened and what his participation was in starting a war based on false information. And there are two people I have met in the last 24 hours who I think are deserving of an explanation. One was a mother whose son-in-law fortunately just got back from serving proudly in the Army in Iraq, and she told me she is just incredibly happy that her son-in-law came back healthy to the arms of his family and his wife, but she is not happy that others have not and that the Federal Government has not been candid about what happened in Iraq that got us into this war with such devastating consequences. That mother-in-law is entitled to an explanation from the Vice President of the United States about why he made repeated statements that are inaccurate that started a war that has cost over 1,000 American lives.

Today, on the plane flying out here from Seattle, which I go home every weekend to Seattle, this morning sitting next to me was a major heading for Iraq to do an inspection tour. And I just tell my colleague that I feel so strongly that he and all of the 100,000-plus troops in Iraq deserve an explanation from their Federal Government of what happened here, and there are three questions I would like the Vice President to answer.

Question number one, why on September 14, 2003, did the Vice President say this: ''If we're successful in Iraq, then we will have struck a major blow right at the heart of the base, if you will, the geographic base of the terrorists who had us under assault for many years but most especially on 9/11''? Vice President CHENEY went to the American people and told them that Iraq was responsible for the attack on 9/11, and he wanted the Americans to believe that. And there was no evidence to that then, as we have seen the intelligence. There was no evidence at the time we took the vote, and there is no evidence today that that statement was true. And a war was started based on a statement that this Vice President made to Americans. They deserve an explanation why this Vice President sold a bill of goods to the American people, specifically saying that the folks had us under assault but most especially 9/11?

And we know exactly what he was trying to do, which was create an impression that we were going to attack the people who attacked us, which we did in Afghanistan, and that is why we supported it with a huge consensus in this body. The people who attacked us were based in Afghanistan. But why did this Vice President then gild the lilly and stretch the evidence and try to create this misimpression? We deserve an answer to that question in this debate tomorrow night.

Second question for the Vice President: Why on August 26, 2002, did the Vice President say, ''simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction''? We know now, and many of us knew then from reading the intelligence, that there was massive doubt about this issue, that the Vice President again gilded the lilly, tried to say there was no doubt about this issue, and that simply was not an accurate statement, and a war occurred as a result. And the people serving then and our sons and daughters who might have to serve, goodness knows how many years if this administration continues in authority in Iraq, they deserve an answer why the Vice President said that when it was false.

Mr. DELAHUNT. Mr. Speaker, reclaiming my time, I just think there is a certain level of embarrassment because the Vice President has been proven conclusively to be wrong, not simply out of an investigation conducted by media, by outside parties, but by an independent commission established as a result of action in this body here and in the body across the hall that, if the gentleman remembers, the administration resisted.

□ 2350

But to continue to try to justify the rationale for the war, he simply refuses to acknowledge the reality. If only, if only he and others in the administration would accept the admonition of David Kay, who was appointed by the President and the Vice President to search for weapons of mass destruction, if he would just simply concur with David Kay's statement that we were all wrong, we could then hopefully make some progress. But we are not going to get that, and we know that.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield further, let me suggest why that is important. It is not a matter of culpability. That is not the issue. But the fact of the matter is if we are going to have a success, we have to have people in the administration, when you have a failed policy, who are willing to evaluate it and change and decide they had said some things that were not true and admit it and change.

But this administration refuses to accept failure. We continue to have simply more of the same, and they want to say, well, we are at least certain, we are at least sure, we are at least resolute.

The best description I had of that is resolution is a good thing, certainty is a good thing, but it is not a good thing to have a firm grip on the wheel if the car is heading over the cliff, and this administration refuses repeatedly to recognize their errors so they can change their policy.

I have a third question the Vice President owes Americans an answer to. Why did the Vice President on March 16, 2003, say, and this is a long quote, but I will get to the summation, ''And we believe he has in fact reconstituted nuclear weapons.''

Why did this Vice President want to create this massive cloud of fear in America about reconstituted nuclear weapons, when even the intelligence reports at that time, and they are now in the public domain, did not support that conclusion? I hate to think it was just to sort of support their predetermined effort to start a war, but it is very difficult to reach a different conclusion, when no one else was saying that except the Vice President. And why, if we now find that is inaccurate, why does the Vice President not just come clean and be candid with the American people, so that we can show some willingness to start a new policy in Iraq?

But they keep clinging to these falsehoods, clinging to these misimpressions, clinging to this false information that they have spewed out across America. And they have been successful in fooling some Americans about the connection of Saddam with al Qaeda. Something like 40 percent of Americans believe that, because they want to believe their Vice President.

We all want to believe our Vice President, but the fact of the matter is, as long as they cling to this, it will make it more difficult to be a successful policy in Iraq.

Mr. DELAHUNT. Again, it is either a deception to mislead or it could be incompetence. But I do not believe it to be incompetence, because no one has ever accused the Vice President of being an individual who does not thoughtfully analyze information. But, again, as Secretary of State Powell concluded, if you have the fever, and he thought that the Vice President had the fever, then you are detached from reality.

For the Secretary of State to use the term ''gestapo office'' as an appropriate description of the separate little government that was established in the office of Undersecretary of Defense Douglas Feith, I think says something about the inability of some people to see the world as it really is, as opposed to what you have decided it to be.

We hear so much about these rosy scenarios that the President and other members of the administration paint regarding Iraq and what is transpiring there, and yet when we hear the truth as it is reported by individuals who do not have a particular ax to grind, such as a reporter from the Wall Street Journal.

The gentleman from Washington (Mr. INSLEE) is, I am sure, an avid reader of the Wall Street Journal. That is a publication that clearly is pro-administration, is very conservative.

But here is what a reporter by the name of Farnaz Fassihi says in e-mails as recently as the 29th of September. ''Being a foreign correspondent in Baghdad these days is like being under virtual house arrest. I leave when I have very good reason to and a scheduled interview. I avoid going to people's homes, and never walk in the streets. I can't go grocery shopping anymore. I can't eat in restaurants, can't strike a conversation with strangers, can't look for stories, can't drive in anything but a full armored car, can't go to scenes of breaking news stories, can't be stuck in traffic, can't speak English outside, can't take a road trip, can't say I'm an American, can't linger at checkpoints. There have been one too many close calls, including a car bomb so near my house that it blew out all the windows. I am now a security personnel first, a reporter second.

''It is hard to pinpoint when the turning point actually began. Was it April when Fallujah fell out of the grasp of the Americans? Was it when Muqtada al-Sadr declared war on the U.S. military? Was it when Sadr City, home to 10 percent of Iraqi's population, became a nightly battlefield for the Americans? Or was it when the insurgency began spreading from isolated pockets in the Sunni Triangle to include most of Iraq? Despite President Bush's rosy assessment, Iraq remains a disaster. If under Saddam it was a potential threat, under the Americans it has been transformed to an imminent and active threat.''

Mr. INSLEE. Mr. Speaker, if the gentleman will yield further , I just wanted to make one point in response to the statement of our friend the gentleman from California (Mr. CUNNINGHAM).

One of the most telling things in the debate of the two presidential candidates last night was where the President said that we had to attack Iraq because the enemy attacked us, and his opponent challenged that and said, ''Well, no, Osama bin Laden attacked us, not Iraq.'' The President said, ''Of course, I know Osama bin Laden attacked us.''

But the problem is this administration and the Vice President has been trying to create a misimpression from day one to tie Saddam Hussein to the attacks of 9/11. I want to respond to the assertion of the gentleman from California (Mr. CUNNINGHAM) to the contrary, to read from the Commission report that says, and the language they used was as categoric as you can get, there is ''no credible evidence,'' no credible evidence, ''of a link between Iraq and the al Qaeda attacks against the United States.''

They did not say that the evidence was suspect, they did not say the evidence is de minimis, they did not say the evidence is debatable. They said there is no, zero, zilch, nada, credible evidence of a connection that this Vice President for the last 2 years has been telling about, trying to create the impression that exists.

He needs to get up in that debate tomorrow, and the first thing he needs to say is, ''You know what? We were wrong. Saddam Hussein for all his faults and his terrible heinous, terrible things he did to Iraqis, Iraq did not attack us on 9/11.'' He owes that statement to Americans. I will be surprised

if we hear it, but I think it would be healthy if we did.

Mr. DELAHUNT. Mr. Speaker, reclaiming my time, I can assure the gentleman we will not hear it. Right now it is all about trying to paint a rosy scenario that is absolutely without any foundation, when the reality is it is a disaster.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. FROST (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today on account of official business in the district.

Ms. KILPATRICK (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. NADLER (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. ORTIZ (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. REYES (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. TAUZIN (at the request of Mr. DELAY) for today and October 5 and 6 on account of medical reasons.

Mr. BOEHLERT (at the request of Mr. DELAY) for today and the balance of the week on account of medical reasons.

Mr. GERLACH (at the request of Mr. DELAY) for today on account of family commitments.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. NORWOOD) to revise and extend their remarks and include extraneous material:)

Mr. COLE, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, October 5.

Mr. BURTON of Indiana, for 5 minutes, October 5, 6, 7, 8, 9.

Mr. WELDON of Florida, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2273. An act to provide increased rail transportation security; to the Committee on Transportation and Infrastructure.

S. 2435. An act to permit Inspectors General to authorize staff to provide assistance to the National Center for Missing and Exploited Children, and for other purposes; to the Committee on Government Reform.

S. 2495. An act to strike limitations on funding and extend the period of authorization for certain coastal wetland conservation projects; to the Committee on Resources.

S. 2882. An act to make the program for national criminal history background checks for volunteer groups permanent; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 982. An act to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa.

H.R. 2408. An act to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges, and for other purposes.

H.R. 2771. An act to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program.

H.R. 4115. An act to amend the Act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation.

H.R. 4259. An act to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, to establish requirements for the Future Years Homeland Security Program of the Department, and for other purposes.

H.R. 5105. An act to authorize the Board of Regents of the Smithsonian Institution to carry out construction and related activities in support of the collaborative Very Energetic Radiation Imaging Telescope Array System (VERITAS) project on Kitt Peak near Tucson, Arizona.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1537—An act to direct the Secretary of Agriculture to convey to the New Hope Cemetery Association certain land in the State of Arkansas for use as a cemetery.

S. 1663—An act to replace certain Coastal Barrier Resources System maps.

S. 1687—An act to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System.

S. 1778—An act to authorize a land conveyance between the United States and the City of Craig, Alaska, and for other purposes.

S. 2052—An act to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail.

S. 2180—An act to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado.

S. 2363—An act to revise and extend the Boys and Girls Clubs of America.

S. 2508—An act to redesignate the Ridges Basin Reservoir, Colorado, as Lake Nighthorse.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on September 29, 2004 he presented to the President of the United States, for his approval, the following bills.

H.R. 1308. An act to amend the Internal Revenue Code of 1986 to provide tax relief for working families, and for other purposes.

H.R. 3389. To amend the Stevenson-Wydler Technology Innovation Act of 1980 to permit Malcolm Baldrige National Quality Awards to be made to nonprofit organizations.

Jeff Trandahl, Clerk of the House, reports that on September 30, 2004 he presented to the President of the United States, for his approval, the following bills.

H.R. 5149. To reauthorize the Temporary Assistance for Needy Families block grant program through March 31, 2005, and for other purposes.

H.R. 5183. To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

H.J. Res 107. Making continuing appropriations for the fiscal year 2005, and for other purposes.

H.R. 4654. To reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2007, and for other purposes.

ADJOURNMENT

Mr. DELAHUNT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), under its previous order, the House adjourned until tomorrow, Tuesday, October 5, 2004, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9928. A letter from the Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's ''Major'' final rule — Food Stamp Program: Vehicle and Maximum Excess Shelter Expense Deduction Provisions of Pub. L. 106–387 [Amendment No. 396] (RIN: 0584–AD13) received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9929. A letter from the Deputy Associate Administrator, Environmental Protection

Agency, transmitting the Agency's final rule — Bacillus thuringiensis var. aizawai strain PS811 (Cry1F insecticidal protein); Exemption from the Requirement of a Tolerance [OPP–2004–0249; FRL–7372–6] received September 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9930. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyazofamid; Pesticide Tolerance [OPP–2004–0211; FRL–7367–4] received September 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9931. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Dichlormid; Time-Limited Pesticide Tolerances [OPP–2004–0318; FRL–7680–8] received September 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9932. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Forchlorfenuron; Pesticide Tolerance [OPP–2004–0272; FRL–7681–5] received September 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9933. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Mesotrione; Pesticide Tolerances for Emergency Exemptions [OPP–2004–0313; FRL–7678–8] received September 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9934. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Octanal; Exemption from the Requirement of a Tolerance [OPP–2004–0298; FRL–7678–7] received September 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9935. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Sodium Thiosulfate; Exemption from the Requirement of a Tolerance [OPP–2004–0289; FRL–7677–1] received September 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9936. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Dinotefuran; Pesticide Tolerance [OPP–2004–0155; FRL–7368–1] received September 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9937. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Thiamethoxam; Pesticide Tolerances for Emergency Exemptions [OPP–2004–0254; FRL–7675–6] received September 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9938. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Thifensulfuron Methyl; Pesticide Tolerance [OPP–2004–0277; FRL–7679–4] received September 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9939. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Tribenuron Methyl; Pesticide Tolerance [OPP–2004–0278; FRL–7679–5] received September 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9940. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Allethrin, Bendiocarb, Burkholderia cepacia, Fenridazon potassium, and Molinate; Tolerance Actions [OPP–2004–0260; FRL–7679–7] received September 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9941. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fenamidone; Pesticide Tolerance [OPP–2004–0255; FRL–7681–3] received September 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9942. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fludioxonil; Pesticide Tolerances [OPP–2004–0321; FRL–7682–3] received September 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9943. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Methoxyfenozide; Pesticide Tolerances [OPP–2004–0312; FRL–7681–6] received September 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9944. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Forchlorfenuron; N-(2-Chloro-4-pyridin 1)-N'-phenylurea; Time-Limited Pesticide Tolerance [OPP–2004–0145; FRL–7362–1] received August 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9945. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Isodecyl Alcohol Ethoxylated (2–8 moles) Polymer with Chloromethyl Oxirane; Tolerance Exemption [OPP–2004–0204; FRL–7368–3] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9946. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General James B. Peake, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

9947. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Admiral Gregory G. Johnson, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

9948. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Robert R. Dierker, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

9949. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Captain Adam M. Robinson, Jr., United States Navy, to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9950. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Rear Admiral John M. Mateczun and Rear Admiral Michael C. Tracy to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9951. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Lieutenant General Bantz J. Craddock, United States Army, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9952. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Vice Admiral Timothy J. Keating, United States Navy, to wear the insignia of the grade of admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9953. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General John M. Brown III, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9954. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General James F. Amos, United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9955. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of admiral and vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9956. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9957. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9958. A letter from the Secretary, Department of Energy, transmitting Certification that the groundbreaking for the Depleted Uranium Hexafluoride Conversion facilities at the Paducah Gaseous Diffusion Plant in Kentucky and at the Portsmouth Gaseous Diffusion Plant in Ohio occurred on July 27 and 28, 2004, respectively, pursuant to Public Law 107–206 section 502(3) (116 Stat. 852); to the Committee on Energy and Commerce.

9959. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and/or Defer Sanctions, Maricopa County Environmental Services Department [AZ 134–082; FRL–7818–1] received September 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9960. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality Classifications for the 8-Hour Ozone National Ambient Air Quality Standards [OAR–2003–0083; FRL–7816–2] received September 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9961. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule

— Approval and Promulgation of Implementation Plans Kentucky and Indiana: Approval of Revisions to 1-Hour Ozone Maintenance Plan for Louisville Area [KY–146, 148–200419; IN 12–1–4; FRL–7812–4] received September 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9962. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans North Carolina: Raleigh/Durham Area and Greensboro/Winston-Salem/High Point Area Maintenance Plan Updates [R04–OAR–2004–NC–0002–200417(a); FRL–7815–9] received September 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9963. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Nevada; Las Vegas Valley Carbon Monoxide Nonattainment Area [NV–043–080; FRL–7801–8] received September 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9964. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [SW–FRL–7816–9] received September 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9965. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Missouri: Final Approval of Missouri Underground Starage Tank Program [FRL–7816–1] received September 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9966. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District [CA 307–0466a; FRL–7812–2] received September 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9967. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Update to Materials Incorporated by Refernce [DC101–2029; FRL–7791–9] received August 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9968. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the State Implementation Plan; Correction [R04–OAR–2004–GA–0001–200420C; FRL–7798–7] received August 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9969. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans South Carolina; Source Testing [R04–OAR–2003–SC–200416(a); FRL–7799–5] received August 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9970. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revised Major Stationary Source Applicability for Reasonably Available Control Technology in the Northern Virginia Ozone Nonattainment Area [VA146–5080a; FRL–7798–6] received August 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9971. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Failure to Attain and Reclassification to Serious Nonattinament; Imperial Valley Planning Area; California; Particulate Matter of 10 Microns or Less [CA 109–RECLAS; FRL–7800–5] received August 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9972. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Longmont Revised Carbon Monoxide Maintenance Plan [RME Docket Number R08–OAR–2004–CO–0003; FRL–7822–3] received September 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9973. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Northern Engraving Environmental Cooperative Agreement [WI117–01–7347a; FRL–7637–2] received September 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9974. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production [FRL–7812–8] received September 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9975. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Nebraska; Final Autorization of State Hazardous Waste Management Program Revision [FRL–7823–8] received September 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9976. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality Designations and Classificationd for the 8-Hour Ozone National Ambient Air Quality Standards; Las Vegas, Nevada Nonattainment Area [OAR–2003–0083; FRL–7815–3] received September 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9977. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revised Major Stationary Source Applicability for Reasonably Available Control Technology and Permitting and Revised Offset Ratios for the Washington Area [MD153–3111; FRL–7813–1] received September 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9978. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Denver Revised Carbon Monoxide Maintenance Plan [RME Docket Number R08–OAR–2004–CO–0001; FRL–7813–3] received September 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9979. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Kentucky: 1-Hour Ozone Maintenance Plan Update for Lexington Area [R04–OAR–2004–KY–0001 200423; FRL–7813–9] received September 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9980. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Section 112(l) Authority for Hazardous Air Pollutants; Maryland Equivalency by Permit Provisions; NESHAP for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills [MD001–1001a; FRL–7813–6] received September 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9981. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Afghanistan for construction services (Transmittal No. 04–18), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9982. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to the Netherlands for defense articles and services (Transmittal No. 04–38), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9983. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Canada for defense articles and services (Transmittal No. 04–27), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9984. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

9985. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract with Italy (Transmittal No. DDTC 075–04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9986. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract with Canada (Transmittal No. DDTC 050–04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9987. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Spain (Transmittal No. DDTC 074–04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9988. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Egypt (Transmittal No.

DDTC 070–04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9989. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel (Transmittal No. DDTC 077–04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9990. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Germany (Transmittal No. DDTC 055–04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9991. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada (Transmittal No. DDTC 058–04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9992. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services to Japan (Transmittal No. DDTC 076–04), pursuant to 22 U.S.C. 2776(c–d); to the Committee on International Relations.

9993. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services to the United Kingdom and Italy (Transmittal No. DDTC 047–04), pursuant to 22 U.S.C. 2776(c–d); to the Committee on International Relations.

9994. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9995. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9996. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9997. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 62(a) of the Arms Export Control Act (AECA), Transmittal No. 05–04, concnering the Office of the Assistant Secretary of Defense's proposed lease of defense articles to the Government of Bahrain; to the Committee on International Relations.

9998. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(5)(A) of the Arms Export Control Act (AECA) as amended, Transmittal No. 0A–04, relating to enchancements or upgrades for Egypt of AIM-9M missiles from the level of sensitivity of technology or capability described in Section 36(b)(1) AECA, as amended certification 03–15 on 17 July 2003; to the Committee on International Relations.

9999. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001; to the Committee on International Relations.

10000. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment among the Governments of Belgium, Denmark, the Netherlands, and Norway (Transmittal No. RSAT–2–04); to the Committee on International Relations.

10001. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Germany to the Government of Spain; to the Committee on International Relations.

10002. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of the Netherlands to the Government of Germany (Transmittal No. RSAT–05–04); to the Committee on International Relations.

10003. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2004–42, Continuation of U.S. Drug Interdiction Assistance to the Government of Colombia, pursuant to the authority in Section 1012 of the National Defense Authorization Act for FY 1995, as amended, pursuant to 22 U.S.C. 2291–4; to the Committee on International Relations.

10004. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2004–41, Waiving Prohibition on United States Military Assistance with Respect to the Republic of the Congo, consistent with Section 2007(a) of the American Servicemembers' Protection Act of 2002, Title II, of Pub. L. 107–276; to the Committee on International Relations.

10005. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the Board's Inherently Governmental and Commercial Activities Inventory for FY 2004, as required by the Federal Activities Inventory Reform Act of 1998 (the FAIR ACT); to the Committee on Government Reform.

10006. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, ''Sufficiency Review of the Water and Sewer Authority's Fiscal Year 2004 Revenue Estimate in Support of the Issuance of $280 Million in Revenue Bonds''; to the Committee on Government Reform.

10007. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of October 1, 2003 to March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10008. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as ''foreign terrorist organization '' pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

10009. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Oil Pollution Prevention and Response; Non-Transportation-Related Onshore and Offshore Facilities [OPA–2004–0003; FRL–7800–2] (RIN: 2050–AC62) received August 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10010. A letter from the Director, Office of National Drug Control Policy, transmitting the ''Plan Colombia/Andean Ridge Counterdrug Initiative Semi-Annual Obligation Report, 1st and 2nd Quarters Fiscal Year 2004,'' pursuant to the President's delegation by Executive Order 13313, pursuant to Public Law 106–246, section 3204(e); jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. S. 551. An act to provide for the implementation of air quality programs developed in accordance with an Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, and for other purposes (Rept. 108–712, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 1814. An act to transfer federal lands between the Secretary of Agriculture and the Secretary of the Interior (Rept. 108–716, Pt. 1). Ordered to be printed.

Mr. POMBO: Committee on Resources. H.R. 3176. A bill to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes; with an amendment (Rept. 108–717). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4389. A bill to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes (Rept. 108–718, Pt. 1). Ordered to be printed.

Mr. POMBO: Committee on Resources. H.R. 3391. A bill to authorize the Secretary of the Interior to convey certain lands and facilities of the Provo River Project; with an amendment (Rept. 108–719). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4593. A bill to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes; with an amendment (Rept. 108–720). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON: Committee on Energy and Commerce. H.R. 4667. A bill to authorize and facilitate hydroelectric power licensing of the Tapoco Project, and for other purposes (Rept. 108–721, Pt. 1). Ordered to be printed.

Mr. HEFLEY: Committee on Standards of Official Conduct. Investigation of Certain Allegations Related to Voting on the Medicare

Prescription Drug, Improvement, and Modernization Act of 2003 (Rept. 108–722). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 814. Resolution providing for consideration of the bill (S. 878) to authorize an additional permanent judgeship in the district of Idaho, and for other purposes (Rept. 108–723). Referred to the House Calendar.

Mr. HOEKSTRA: Permanent Select Committee on Intelligence. H.R. 10. A bill to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes; with an amendment (Rept. 108–724, Pt. 1). Ordered to be printed.

Mr. HUNTER: Committee on Armed Services. H.R. 10. A bill to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes; with amendments (Rept. 108–724, Pt. 2). Ordered to be printed.

Mr. OXLEY: Committee on Financial Services. H.R. 10. A bill to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes; with an amendment (Rept. 108–724, Pt. 3). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Armed Services discharged from further consideration. H.R. 4389 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 2 of rule XII the Committee on Agriculture and Education and the Workforce discharged from further consideration. S. 1814 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following actions occurred on October 1, 2004]

H.R. 180. Referral to the Committee on Rules extended for a period ending not later than November 19, 2004.

H.R. 2971. Referral to the Committees on Financial Services, Energy and Commerce, and the Judiciary extended for a period ending not later than November 19, 2004.

H.R. 3143. Referral to the Committees on Financial Services, International Relations, and the Judiciary extended for a period ending not later than November 19, 2004.

H.R. 3358. Referral to the Committee on the Budget extended for a period ending not later than November 19, 2004.

H.R. 3551. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 19, 2004.

H.R. 3800. Referral to the Committee on the Budget extended for a period ending not later than November 19, 2004.

H.R. 3925. Referral to the Committee on the Budget extended for a period ending not later than November 19, 2004.

H.R. 4794. Referral to the Committee on International Relations extended for a period ending not later than November 19, 2004.

[The following actions occurred on October 4, 2004]

H.R. 10. Referral to the Committees on Education and the Workforce, Energy and Commerce, Government Reform, International Relations, the Judiciary, Rules, Science, Transportation and Infrastructure, Ways and Means, and the Select Committee on Homeland Security extended for a period ending not later than October 5, 2004.

H.R. 4389. Referral to the Committee on Armed Services extended for a period ending not later than October 4, 2004.

H.R. 1814. Referral to the Committees on Agriculture and Education and the Workforce extended for a period ending not later than October 4, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGLISH (for himself, Mr. MURPHY, and Ms. HART):

H.R. 5201. A bill to suspend temporarily the duty on electron guns for cathode ray tubes (CRT's) with a high definition television screen aspect ratio of 16:9, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.R. 5202. A bill to clarify the treatment of supplemental appropriations in calculating the rate for operations applicable for continuing appropriations for fiscal year 2005; to the Committee on Appropriations. considered and passed.

By Mr. STENHOLM (for himself, Mr. REHBERG, Mr. ETHERIDGE, Mr. EVERETT, Mr. BERRY, Mr. BOSWELL, Mr. EDWARDS, Mr. OSBORNE, Mr. POMEROY, Mr. DAVIS of Tennessee, Mr. PETERSON of Minnesota, and Mr. NEUGEBAUER):

H.R. 5203. A bill to provide emergency agricultural disaster assistance; to the Committee on Agriculture.

By Ms. ESHOO:

H.R. 5204. A bill to amend section 340E of the Public Health Service Act (relating to children's hospitals) to modify provisions regarding the determination of the amount of payments for indirect expenses associated with operating approved graduate medical residency training programs; to the Committee on Energy and Commerce.

By Mr. CASE:

H.R. 5205. A bill to extend the boundary of the Hawai'i Volcanoes National Park in the State of Hawaii; to the Committee on Resources.

By Mr. FOLEY:

H.R. 5206. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain hazard mitigation assistance; to the Committee on Ways and Means.

By Mr. FOSSELLA (for himself and Mr. COX):

H.R. 5207. A bill to amend title 10, United States Code, to increase the amount of the military death gratuity from $12,000 to $75,000; to the Committee on Armed Services.

By Mr. MEEHAN:

H.R. 5208. A bill to prohibit the possession of a firearm in a hospital zone; to the Committee on the Judiciary.

By Mr. MEEHAN:

H.R. 5209. A bill to adjust the boundary of Lowell National Historical Park, and for other purposes; to the Committee on Resources.

By Ms. BALDWIN:

H. Con. Res. 508. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring Robert ''Fighting Bob'' La Follette, Sr., and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Government Reform.

By Mr. NETHERCUTT (for himself, Ms. DUNN, and Mr. BLUNT):

H. Con. Res. 509. Concurrent resolution urging the President to withdraw the United States from the 1992 Agreement on Government Support for Civil Aircraft with the European Union and immediately file a consultation request, under the Understanding on Rules and Procedures Governing the Settlement of Disputes of the World Trade Organization, on the matter of injury to, and adverse effects on, the commercial aviation industry of the United States; to the Committee on Ways and Means.

By Mr. MOORE (for himself, Mr. RYUN of Kansas, Mr. MORAN of Kansas, Mr. OWENS, Mr. BLUMENAUER, and Mr. BURNS):

H. Res. 815. A resolution congratulating Andrew Wojtanik for winning the 16th Annual National Geographic Bee, conducted by the National Geographic Society; to the Committee on Government Reform.

By Mr. CROWLEY:

H. Res. 816. A resolution recognizing the holiday of Diwali; to the Committee on Government Reform.

By Mr. MCDERMOTT (for himself, Mr. INSLEE, Mr. BAIRD, Mr. LARSEN of Washington, Mr. NETHERCUTT, Mr. DICKS, Mr. HASTINGS of Washington, Ms. DUNN, and Mr. SMITH of Washington):

H. Res. 817. A resolution congratulating Ichiro Suzuki for breaking the Major League Baseball record for hits in a single season; to the Committee on Government Reform.

By Mr. RODRIGUEZ:

H. Res. 818. A resolution celebrating the 50th anniversary of the opening of the Falcon International Dam, recognizing the dam's importance as a source of water and power and as a symbol of friendship and cooperation between the United States and the United Mexican States, and urging Mexico to honor all of its obligations under the 1944 Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. BURR, Mr. GREEN of Wisconsin, Mr. MCINNIS, Mr. GOODLATTE, Mr. ISSA, Mr. PICKERING, and Mr. SESSIONS.

H.R. 104: Mr. NADLER and Mr. GRIJALVA.

H.R. 677: Ms. HERSETH.

H.R. 728: Mr. PICKERING.

H.R. 734: Ms. MCCOLLUM.

H.R. 792: Ms. HERSETH.

H.R. 832: Mr. UDALL of Colorado.

H.R. 918: Mr. MCNULTY.

H.R. 972: Mr. MEEHAN.

H.R. 1268: Mr. GRIJALVA.

H.R. 1294: Mrs. MALONEY.

H.R. 1508: Mr. BUTTERFIELD, Mr. MARKEY, and Mr. EMANUEL.

H.R. 1677: Mr. EVANS.

H.R. 1734: Mr. PETERSON of Minnesota and Mr. MOORE.

H.R. 2107: Mr. MARKEY, Mr. RODRIGUEZ, and Mr. WYNN.

H.R. 2135: Mr. FOSSELLA.

H.R. 2173: Mr. BOSWELL.

H.R. 2295: Ms. HERSETH.

H.R. 2680: Mr. HILL, Mr. PETERSON of Minnesota, Mr. MATHESON, Ms. PRYCE of Ohio,

Mr. BURGESS, Mr. NORWOOD, Mrs. BIGGERT, Mr. LATHAM, Mr. CASTLE, and Mr. GREENWOOD.

H.R. 2724: Mr. OWENS.

H.R. 2967: Mr. FOSSELLA.

H.R. 3352: Ms. HARMAN.

H.R. 3459: Ms. SLAUGHTER and Mrs. LOWEY.

H.R. 3558: Mr. ANDREWS, Mr. MURTHA, and Mr. VAN HOLLEN.

H.R. 3803: Mr. CUMMINGS.

H.R. 3859: Mr. COOPER and Mr. LEWIS of Georgia.

H.R. 4067: Ms. MILLENDER-MCDONALD and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4188: Mr. STARK.

H.R. 4233: Ms. CARSON of Indiana.

H.R. 4257: Mr. WALDEN of Oregon.

H.R. 4264: Mr. SHERMAN and Mr. SIMMONS.

H.R. 4292: Mr. WAXMAN.

H.R. 4591: Mr. FRANK of Massachusetts, Mr. UDALL of Colorado, Mr. EMANUEL, Ms. WOOLSEY, Mr. RAHALL, Mr. GUTIERREZ, Mr. ACEVEDO-VILA, Mrs. JONES of Ohio, Ms. SCHAKOWSKY, Mr. OWENS, Mr. NADLER, Mr. RUSH, Mr. HONDA, Mr. WEXLER, Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, Mr. CONYERS, and Mr. WEINER.

H.R. 4595: Mr. WEXLER.

H.R. 4610: Mr. DAVIS of Alabama.

H.R. 4616: Ms. LINDA T. SÁNCHEZ of California.

H.R. 4626: Mr. SOUDER and Ms. WOOLSEY.

H.R. 4634: Mr. PORTER.

H.R. 4674: Mr. LANTOS.

H.R. 4682: Mr. CROWLEY, Ms. PELOSI, Mr. SCOTT of Virginia, Mr. BRADY of Pennsylvania, and Ms. WATSON.

H.R. 4689: Mr. NADLER.

H.R. 4706: Mr. LIPINSKI, Ms. MILLENDER-MCDONALD, and Mr. CARDIN.

H.R. 4711: Mr. GUTIERREZ.

H.R. 4793: Mr. CUMMINGS and Ms. WOOLSEY.

H.R. 4802: Mr. RODRIGUEZ and Mr. VAN HOLLEN.

H.R. 4830: Mr. OWENS, Mr. MORAN of Virginia, and Mr. SANDLIN.

H.R. 4835: Mr. PASTOR.

H.R. 4839: Mr. GORDON.

H.R. 4860: Mr. SHERMAN.

H.R. 4895: Mr. MILLER of Florida and Mr. BISHOP of Utah.

H.R. 4896: Mrs. MALONEY, Ms. MCCOLLUM, Mr. RYAN of Ohio, and Mr. RAHALL.

H.R. 4906: Mr. PICKERING.

H.R. 4910: Mr. RAHALL, Mr. EMANUEL, Mr. SCHIFF, Mrs. NAPOLITANO, and Mr. TURNER of Texas.

H.R. 4924: Mr. STEARNS, Mr. BILIRAKIS, Ms. HARRIS, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. FEENEY.

H.R. 4948: Mr. REYES.

H.R. 5028: Mr. RYAN of Ohio, Mr. BROWN of Ohio, Mr. BOEHNER, and Mr. GRAVES.

H.R. 5061: Mr. MCCOTTER, Mr. FOLEY, Mr. SHERMAN, and Mr. FILNER.

H.R. 5079: Mr. PICKERING.

H.R. 5080: Mr. PICKERING.

H.R. 5110: Ms. LEE and Mr. MCGOVERN.

H.R. 5132: Mr. ACEVEDO-VILÁ.

H.R. 5135: Mr. FALEOMAVAEGA and Mr. RADANOVICH.

H.R. 5144: Mr. BURR, Mr. LANTOS, Ms. SCHAKOWSKY, and Mr. TIBERI.

H.R. 5150: Mr. OLVER, Mr. TOWNS, Mr. LANGEVIN, Mr. DAVIS of Florida, Mr. MEEKS of New York, Mrs. DAVIS of California, Mr. KENNEDY of Rhode Island, Mr. RAHALL, and Mr. BERRY.

H.R. 5195: Mr. HOLDEN, Mr. OTTER, Mr. SIMPSON, Mr. KINGSTON, Mr. NETHERCUTT, Mr. LAHOOD, and Mr. LATOURETTE.

H.R. 5199: Mr. STENHOLM, Mr. KENNEDY of Rhode Island, Mr. COOPER, and Mrs. MALONEY.

H. Con. Res. 304: Mr. MILNER and Mr. FEENEY.

H. Con. Res. 306: Mr. UDALL of New Mexico.

H. Con. Res. 496: Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Mr. SCOTT of Georgia, Ms. SCHAKOWSKY, Mr. THOMPSON of Mississippi, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. DEUTSCH, Mr. HASTINGS of Florida, Mr. MENENDEZ, and Mr. CAPUANO.

H. Res. 341: Ms. ROS-LEHTINEN and Mr. WEXLER.

H. Res. 746: Ms. WOOLSEY and Mr. RODRIGUEZ.

H. Res. 774: Ms. LINDA T. SÁNCHEZ of California, and Mr. FOLEY.

H. Res. 782: Mrs. DAVIS of California, Mr. MCGOVERN, Mr. WEXLER, Ms. MCCOLLUM, and Mr. DEUTSCH.

H. Res. 797: Mr. FATTAH, Mr. MEEKS of New York, and Mrs. MALONEY.

H. Res. 809: Ms. ROS-LEHTINEN.

H. Res. 810: Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Ms. LEE, Ms. SCHAKOWSKY, Mr. TOWNS, Ms. WATERS, Ms. WATSON, and Mr. WEXLER.

H. Res. 813: Mr. WEXLER, Mr. FATTAH, Ms. WATSON, Ms. SCHAKOWSKY, and Mr. OWENS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 10

OFFERED BY: MR. PLATTS

AMENDMENT NO. 1: At the end of subtitle A of title I (page 60, after line 9), add the following new section:

SEC. 1018. DEPUTY NATIONAL INTELLIGENCE DIRECTOR FOR FINANCE.

(a) DEPUTY NATIONAL INTELLIGENCE DIRECTOR FOR FINANCE.—There is a Deputy National Intelligence Director for Finance who shall be appointed by the National Intelligence Director.

(b) SUPERVISION.—The Deputy National Intelligence Director for Finance shall report directly to the National Intelligence Director.

(c) DUTIES.—The Deputy National Intelligence Director for Finance shall—

(1) assist the National Intelligence Director in the preparation and execution of the budget of the elements of the intelligence community within the National Intelligence Program;

(2) provide unfettered access to the Director to financial information under the National Intelligence Program; and

(3) perform such other duties as may be prescribed by the Director or specified by law.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, MONDAY, OCTOBER 4, 2004 *No. 123*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable CHUCK HAGEL, a Senator from the State of Nebraska.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our God, we honor Your name. Every day we praise You for You deserve our admiration. We will tell this generation of Your mighty works so that Your name will be known by those not yet born. We celebrate Your matchless mercy and Your power to save.

Thank You for keeping Your word, for picking us up when we have fallen. From Your hands, we find satisfaction and fulfillment for every need.

Today guide the Members of this body with Your love. Answer them when they ask for Your help. Be for each of them a shade by day and a defense by night. May they exercise sound judgment as they listen closely to Your wisdom. Keep them in the path that leads to love.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHUCK HAGEL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 4, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHUCK HAGEL, a Senator from the State of Nebraska, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. HAGEL thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished Senate majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning after a 1-hour period of morning business, we will resume consideration of the intelligence reform bill. In addition to a large number of pending amendments, we anticipate that more amendments will be offered today. As a reminder, the consent reached on Friday did set up a series of stacked votes beginning at 4:15 today. There are currently six votes in order. However, I anticipate other votes will be added to that series as debate continues. In addition, we well may have votes into the evening in order to make progress on the bill.

I remind my colleagues that a cloture motion was filed on the bill on Friday and that cloture vote will occur tomorrow morning. It is my hope and expectation cloture will be invoked and that we will be able to finish the bill either tomorrow afternoon, tomorrow evening, or Wednesday.

I say this because, as we all know, this is our last week in session. We will adjourn if we complete both of our intelligence reform efforts on this Friday, October 8. Our goal is to adjourn on Friday, October 8. Before that time, we do need to complete action on both arms of intelligence reform, including that relating to the Senate role on intelligence matters. We have a lot of work before us this week. We all need to prepare for busy sessions.

There are a lot of other events that are scheduled over the course of the week. Our focus must be on the business that is before us. Thus, I know everybody will be shifting things around. We need to put a major priority on what goes on here on the floor as well as on several conference reports.

In addition to what people will be seeing on the floor, we have the FSC/ETI manufacturing jobs bill that is currently in conference. There will be a lot of activity this afternoon, tonight, and tomorrow in that conference. I am hopeful we will be able to address that conference report sometime this week.

Homeland Security appropriations is also in conference and progress is being made there. That was the first bill we did when we came back 4 weeks ago. It is important that we complete it, especially since our goal is the safety and security of the American people. That bill directs the spending aspects of homeland security.

The underlying bill we have been on now for a week and a half, and we have been studying the issue aggressively in response to the 9/11 Commission report. We have made huge progress, and all of our colleagues have worked together, on both sides of the aisle, on this very nonpartisan issue. I thank all of our colleagues for participating and working with such focus in an expeditious and a bipartisan manner. The American people thank you. I thank you. The leadership on both sides of the aisle thanks you.

We have no greater duty in this body than protecting our Nation and in strengthening our intelligence system. We are meeting that responsibility. As we have said at the outset, when the Democratic leader and I set out this path, it was because, when we leave on

October 8, although we will have in all likelihood a little bit of business to take care of, in truth October 8 really brings to a close most of the activity, almost all of the activity, it would be inexcusable not to deal with these important issues on intelligence which affect the safety and security of the American people. If we were unable to finish that, because it means we would not be able to address it until next year, that would be unpardonable.

To date, the Senate, in this bill, has addressed 35 of the 39 recommendations of the 9/11 Commission. Those are the 39 recommendations that deal with executive branch reorganization. The remaining recommendations will be addressed this week.

The Senate has covered a full range of issues: establishing a national intelligence director to manage the Nation's intelligence community, to advise the President; creating a national counterterrorism center to maximize our intelligence-gathering capabilities and maximizing our counterterrorism activities; redefining the national foreign intelligence program to better coordinate and unify the functions of our intelligence agencies; strengthening and reforming the CIA, the FBI, and other intelligence-related agencies; and ensuring that winning the war on terrorism is our top priority.

There were two additional reforms suggested by the Commission concerning Senate oversight of intelligence and homeland security and, as I mentioned, the Senate will be considering these two remaining recommendations this week.

It is going to be a very full week, but the Democratic leader and I agree that getting this done now must be our top priority. We are making real progress on the Senate floor. We are on the home stretch. We have another 5 days, beginning early today, and I am sure we will use all 5 days to the fullest sense. We have to have these major reforms completed this week.

I thank my colleagues for staying on task. I thank the managers of the bill in particular, Senators COLLINS and LIEBERMAN. They and the Parliamentarian and staff have been working solidly through the weekend. The managers have shown real leadership. These reforms clearly will protect America and make a safer and really more prosperous America because of the increased security that people can feel with a maximally performing intelligence system.

RECOGNITION OF THE ASSISTANT MINORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished assistant minority leader is recognized.

PROGRESS IN THE SENATE

Mr. REID. Mr. President, last week we all did tremendously important work, including the work that was done by Senators COLLINS and LIEBERMAN on homeland security. We extended the highway bill until next May. The welfare bill, TANF, was extended. We passed a continuing resolution. These are things that did not take a lot of time, but a lot of work was entered into with many different groups and people to get to where we could complete those three items.

Mr. President, I would say through you to the distinguished majority leader, this week is going to be tough. We are going to have to have the cooperation of all Members because we not only have just a few days left, but those days are days that are involved with the Vice Presidential debate tomorrow and the Presidential debate on Friday. So we really have a lot of work to do. We are going to have to have the cooperation of all Members.

I think we have had good bipartisan support to move down the road on the homeland security bill. But I think people are going to have to take a look at the amendments they have filed. If an amendment in a subject area has been decided by an overwhelming vote, I think Senators should reconsider whether or not to propose those amendments. Some Senators are going to have filed amendments that are germane and they are going to have to decide whether or not they want to take the Senate's time. It would appear to me a number of these are not going to pass.

So we have a lot of work to do, a very short period of time to do it, and I think that with the spirit of getting toward the end of the session, which usually becomes a time for Members to cause problems, we haven't had that in the past several weeks and that has worked out very well. So I hope we can move forward as we have the past 3 weeks. It has been very rewarding to the Senate and to the country.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond 60 minutes with the first 30 minutes of that time under the control of the Democratic leader or his designee, and the second 30-minute period under the control of the majority leader or his designee.

ORDER OF PROCEDURE

Mr. REID. Mr. President, on behalf of Senator DASCHLE, I yield 10 minutes to the Senator from New Mexico, Mr. BINGAMAN, and 10 minutes to the Senator from Florida, Mr. NELSON.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. I thank the Chair. I thank my colleague from Nevada, Senator REID, for yielding me time.

KYOTO PROTOCOL

Mr. BINGAMAN. Mr. President, last week the Russian Federation began the process of ratifying the Kyoto Protocol on global warming. Russia's ratification is the crucial step that will bring the Kyoto Protocol into force as an international agreement.

In the initial stages of the negotiations, the Senate made clear that we would not be willing to sign any agreement on global warming that did not include scheduled commitments for the developing world in addition to the commitments that were being asked of ourselves. This was not a refusal to participate in the Kyoto negotiations, but it was a guide for what we would find acceptable if we were to actually enter into a treaty.

The Bush administration misrepresented that guide and decided to completely walk away from international negotiations on the issue. Now it looks as though a majority of the world will begin to move forward on the issue of global climate change without U.S. participation.

President Bush's decision was a profound and strategic mistake for our country. The protocol is moving forward now and the United States has very little to say about the direction that it will take. The administration has compounded the error of dropping out of the world climate discussion by failing to come up with a viable climate change policy of its own.

Relying solely on voluntary measures as the basis for our climate change strategy has proven to be ineffective in slowing the growth of our own greenhouse gas emissions. These voluntary actions have been in place since the previous Bush administration, the administration of George Herbert Walker Bush. And now they have been repackaged by the current Bush administration. The current administration and Republican leadership in the House have been so stalwart on this issue that they have opposed efforts in the Senate to even develop modest measures on climate protection, such as a national registry on greenhouse gas emissions and a national registry on climate change.

The science of climate change is clear. The potential losses to our economy through climate-related disruptions such as the increased frequency of hurricanes and other severe storms is starkly apparent. We are putting our own economic security and our competitive edge at risk every day that we delay addressing this issue. The fact that the Kyoto Protocol will officially be entered into force is a signal that the rest of the world is headed toward a marketplace for more efficient and cleaner ways to produce and use energy. But because we in the United States have absented ourselves from

the international discussions, we will have a limited role in setting the terms for the development of that marketplace.

The costs to our economic competitiveness could be substantial. A 1999 report by the President's committee of advisers on science and technology shows that between now and 2050 investments in new energy technologies in developing nations will likely be between $15 and $20 trillion, accounting for more than half of the global investments in energy supply.

Let me restate that. Between $15 and $20 trillion, 90 percent of the markets for coal and nuclear and renewable energy technologies that are expected to be developed, 90 percent of those markets are outside the United States. And the question arises: Who will supply those technologies? Given the right incentives, the United States has the technical capability and the human resources to lead in this area.

A recent edition of Newsweek demonstrated that a large number of U.S. companies, maybe even a majority, are ready to move forward. These companies want to take climate change seriously because they are fearful of losing a huge part of the growing market for clean energy technology. Clean energy technology is the future cornerstone of a world market, and we should be vying to capture that market. Instead, we are on a track for a future where we will be buying the technology from overseas rather than selling the technology to others.

In contrast to our weak policy on climate change, the Europeans and the Japanese have already made serious commitments to reducing emissions with or without Kyoto. They are poised to corner the market in the developing world while our discussions on climate are being held hostage by those who would like to avoid an honest discussion of the issue. The longer we play politics, the wider this gap will grow as the Europeans and the Japanese and others develop more efficient vehicles and cleaner and superior ways to produce energy.

Mr. President, I recently visited China, and the Chinese are developing at a rapid pace. My impression from that visit was of the enormous number of coal-fired powerplants that are scheduled to be built in that country over the next two decades.

This development illustrates why it is important to engage the developing world in climate negotiations. But by walking away from the table over 3 years ago, the administration did not improve its ability to cause that engagement to occur. Our misguided refusal to engage in the issue lets everyone else off the hook.

The news of Russia's willingness to go forward with the Kyoto Protocol should be a wake-up call to this administration. We should seize it as an opportunity for the United States to start showing leadership on the issue. Only then can we credibly engage China and the developing world. One way of taking that leadership is for the United States to propel itself forward in the development of cleaner and more efficient technology. If we do not and if Kyoto goes into force, then the United States will run the risk of falling behind in participating in important new markets for energy technology.

There are flexibility mechanisms within the Kyoto structure to allow the United States to participate in a global regime, but we need to take our own first steps.

Two credible first steps could be, first, for us to strengthen our own capabilities for energy technology R&D, and, second, for us to develop a robust and verified national registry for greenhouse gas emissions.

With respect to the registry, if the United States is to develop a strategy for helping to achieve a stable climate in the future, knowing where our emissions are coming from is a necessary first step. The Senate has gone on record in favor of such a registry in the last Congress and again in this Congress.

With time so short in this Congress, frankly, I am not optimistic that we will be able to revisit the issue, but I hope the developments in Russia will drive home the need to start a real debate on a proactive climate policy, and we need to start taking even modest steps to address this extremely important issue.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

AFTERMATH OF FLORIDA HURRICANES

Mr. NELSON of Florida. Mr. President, I want to give a report to the Senate on the aftermath of our State having been hit by four hurricanes and the recovery efforts that are coming along, and, since the Senate is planning to recess at the end of this week for some number of weeks until after the election, when we will come back in a lameduck session, it is all the more important that we get appropriated the $10.2 billion that has been requested by the White House for emergency hurricane relief so that all of this emergency relief that is going on can continue.

That is what I want to report to the Senate, having been in Florida this weekend, having been with the volunteers, with FEMA, with the State people, and with the local governments. It is amazing how everybody is pitching in and working together. Yet the hard reality of some parts of our State having been hit by three hurricanes, and especially along the Middle Eastern coast, what is called the treasure coast of Florida, having been hit at almost identically the same place by two major hurricanes, having winds sustained at 120 miles per hour when it hit the coast, with gusts up to 135 miles an hour, naturally people are reeling, they are tired and, in some cases, their patience is running out.

For example, in several mobile home parks I visited this weekend, there are people who cannot inhabit their home. The home is literally destroyed. So where are they staying? Some people are literally staying in tents in their front yards because the temporary housing that is supplied by FEMA is being delayed in the delivery. Once the temporary house is delivered, and it is usually in the form of a small trailer, it is set up usually in the driveway of the home so the homeowner can oversee the complete dismantling of the destroyed home and its removal, or the rebuilding and repair of the home if it is salvageable. In many other cases, people are staying with friends or with family, but they are being delayed in the process of rebuilding their lives until FEMA gets in the trailers.

I was told in one place that was hard hit—it is in south Brevard County, right at the Brevard County-Indian County river line, near the Sebastian River. It is a huge mobile home park called Barefoot Bay. Brevard County is my home county. One can image what 120-mile-an-hour winds do to a bunch of mobile homes. Let me tell you what it did. One could surely see the difference between the mobile homes constructed after the new standards imposed after the monster hurricane, Hurricane Andrew, hit Florida 12 years ago, and one can see what 120-mile-an-hour winds do to a mobile home that was not built according to those standards.

The little pieces of wood that form the ceiling of a mobile home are not very thick or wide. Does anyone think those old construction standards for mobile homes, with a little piece of wood that is a truss for a roof, is going to withstand 120-mile-an-hour winds whipping around when the ceiling is not very thick or very wide? It did exactly what one would expect—it absolutely ripped them up.

Another one of the lessons we are learning is that the new building codes are working. As I flew in helicopters across the barrier islands, when that wall of water came, as well as the 145-mile-an-hour winds on the first hurricane, Hurricane Charley, from that Army National Guard helicopter looking down at the barrier islands, one could clearly see what was constructed according to the new building codes because it was standing and relatively intact and what was old construction because it was history.

That scene was replicated after the third hurricane, Hurricane Ivan, that hit the barrier island up in Pensacola beach. It was the same scene out of the window of an Army National Guard helicopter: The new building codes are working.

My message to the Senate, my plea, my begging is that by the end of this week when we leave Washington, we have to have passed at the bare minimum the $10.2 billion request which is

not only for FEMA and all of the personal loans and grants, the Small Business Administration low-interest loans so people can rebuild their lives as well as their businesses, but also the money that will go to our military bases to repair the devastation that has occurred at the Kennedy Space Center with NASA. All of that is in this money, and we have to be able to rebuild our lives in Florida for the sake of people and for the sake of this country.

There is something FEMA can do, in addition to getting the temporary housing people are impatiently waiting for. FEMA can also address a chronic problem that does not happen just after one hurricane but gets magnified after multiple hurricanes within a 6-week period, and that is the accumulation of debris.

As I traveled through the mobile home park of Bombay Estates, it was because people from the Mormon Church came there over the weekend to clean up that debris and stack it in areas so those people could get back to their lives. The Red Cross, the Salvation Army—all of these private organizations are doing such a tremendous job, and yet FEMA is taking the position that it will not reimburse local governments for picking up debris unless the debris is on public right of way. That defies reality in Florida.

In Florida, we have many huge senior citizen complexes where the roads in them are private roads, and yet they are still citizens, they are still part of the community, and the debris is accumulating, and FEMA says it will not pay for the pickup of that debris.

Who is going to pay for it? That is part of what FEMA's disaster relief is for. Is the local government to pay for it? The little cities and towns cannot afford all of that expense. So what are they going to do? Assess a fee on all of the senior citizens in this huge senior citizen residential complex?

On fixed incomes, the senior citizens cannot afford it. Yet FEMA is taking the position that they will not pay for the pickup of the debris, but it is not a legitimate position.

Listen to what section 206.224 of the Code of Federal Regulations states. It states that FEMA may provide assistance to remove debris from privately owned lands and waters when it is in the public interest.

What is in the public interest? It is in the public interest to eliminate a threat to public health and safety.

How many canals and water reservoirs did I see littered with debris? If that debris is not picked up, it becomes a hazard for all kinds of pestilence, not even to speak of the danger. As I went through some of that debris yesterday, a lot of those carports in the mobile home parks were just twisted and flung by 120-mile-an-hour winds. They have sharp edges by which people can get really hurt.

So I hope we do not have to direct FEMA to do this by putting language in the Department of Homeland Security funding bill on FEMA's particular funding. We should not have to do that. FEMA has the authority already. It is just an interpretation of the law, and I think this is clearly a case, in the interest of the public safety and welfare, that FEMA should recognize this is not one hurricane but this is four hurricanes within 6 weeks in one State. That is my plea to the Senate, to the House of Representatives, and especially to FEMA.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. How much time does the minority have remaining in morning business?

The ACTING PRESIDENT pro tempore. The minority has 7 minutes remaining.

LANCE ARMSTRONG, A POSITIVE ROLE MODEL

Mr. REID. Mr. President, I flew to Las Vegas Friday, and on the way out there I read the anniversary edition of Sports Illustrated. It had in it what has transpired in the world of athletics during the last 50 years. The thing that struck my eye was Sports Illustrated said the most definitive role model during these past 50 years is not the name that one would think, but it is Lance Armstrong, the cyclist. Out of all the athletes, they said Lance Armstrong was the most positive role model of all the athletes in some 50 years. The reason that was important to me is I was going to Las Vegas Friday for an event with Lance Armstrong.

This man has done some tremendous things, and not only athletically. Just a few years ago, he was dying of cancer. Many of his sponsors, when he was sick—in fact, most of them—no longer would support him. They pulled their support and left him for dead because of his advanced cancer.

We all know that Lance Armstrong is in a class by himself as a cyclist, but he represents a growing population of cancer survivors.

In June, the Centers for Disease Control found that the number of cancer survivors in the United States had tripled over the past 30 years, a 300-percent increase. Unfortunately, people in my State have lower rates of cancer survivorship than our neighboring States.

Nevada is home to world-class physicians, but we have lacked a research institution that can provide cutting edge treatments for patients who have been helped by traditional therapies. As a result, many Nevadans have been forced to travel out of State for cancer care or to simply forego nontraditional treatments.

Just over 2 years ago, a young couple, Jim and Heather Murren, came to Las Vegas. Jim Murren came to work for MGM as one of its top executives, and he was accompanied by his wife, or vice versa, however one wants to state it. Heather Murren was a financial specialist in New York who worked for a large firm on Wall Street and was an important person in her own right. She came to Las Vegas, and discovered there was a need for a world-class cancer research institute in Las Vegas.

It was a vision she had. The Nevada Cancer Institute has taken shape at a breathtaking pace. The institute, which is set to open its doors next year, has already assembled a team of world-class scientists. They have recruited Dr. Nicholas Vogelzang, who had been the director of the University of Chicago's cancer research center, to direct the new Nevada Cancer Institute.

The Nevada Cancer Institute is offering hope to Nevadans and hope that more Nevadans will beat this dread disease and become like Lance Armstrong, a cancer survivor.

I mention this today because Friday evening, Nevadans celebrated the hope of greater cancer survivorship when Lance and the Tour of Hope cyclists rode down the Las Vegas strip. It is not often the Las Vegas strip is closed, but it was closed Friday for a short period of time.

The Tour of Hope is a week-long journey across America by a team of 20 cyclists who have been touched by cancer. Some are survivors. Others are research scientists, advocates and healers.

At the rally in Las Vegas on Friday, the Tour of Hope team members shared their inspiring stories. Lance Armstrong spoke about his experience and his passion for cancer research. He has done tremendous works on behalf of cancer patients. He founded the Lance Armstrong Foundation, which helps individuals living with, through, and beyond cancer. His historic six consecutive Tour de France victories inspired millions of Americans touched by cancer and the Tour of Hope is carrying his message across the country. Every American can help by signing the Cancer Promise, which is a pledge to support the search for a cure by learning about cancer prevention and research.

This weekend I had the opportunity to collect these promises from my fellow Nevadans and send them across the country with the Tour of Hope cyclists. In addition to signing these promises, many people showed their support by wearing these simple, little yellow plastic wristbands Lance had 5 million of these made. They were gone within a couple of weeks. Now over 12 million have been sold and millions more are being manufactured: ''Live strong,'' it says. These are to be worn all of the time.

Someone who closely watched the debate Thursday night between the President and Senator KERRY noted Senator KERRY had one of these on during the debate. These bands give hope—hope that lives can be saved and this dread disease can be beaten.

I am proud of the progress Nevada is making in this fight against cancer, but it is still unfortunate that too many Nevadans don't have access to quality health care. More than one in five working adults in Nevada have no access to health insurance, perhaps the highest rate in the country. Nationally, we know almost 45 million Americans don't have health insurance, an increase of more than 5 million in just the last 4 years alone.

One reason so many Americans are losing their insurance is because health care costs are spiraling. Employers that do not provide insurance for their employees don't do it because they are cheap or they are mean; they do it because they can't afford it. They know if they have employees with health insurance, they are happier employees.

Health insurance premiums have risen by double digits in the last 4 years. Premiums for a family now have reached about $10,000. Rising premiums have hit businesses and families, also. An average working family now pays nearly $2,700 out of their own pockets for premiums, in addition to paying deductibles and copayments.

It is not just premiums that are going up. The American Association of Retired Persons recently reported that, during the first part of this year, prescription drug prices rose more than 3.5 times the rate of inflation. The typical senior citizen will pay $191 more for prescription drugs this year than last year, and seniors are about to get hit with the largest Medicare premium increase in the history of the program. Monthly Medicare premiums will increase by $11.60 next year.

Today I am hopeful about the gains we are making in the fight against cancer, but I also know we must do more to get health care costs under control. Unfortunately, the President's Medicare bill that passed last year was a huge giveaway to big insurance companies and drug companies. I happen to think the drug companies and the big insurance companies can take care of themselves. We need to look out for working families who have lost their health insurance, families who are struggling with rising premiums and copayments, and senior citizens who are being pounded by the rising costs for prescription drugs.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask consent that the time run during the quorum call off the time I have left first and then start running off the time of the majority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. Mr. President, may I inquire about the time remaining in the morning business period?

The ACTING PRESIDENT pro tempore. The Senate is currently in morning business. The majority has 30 minutes remaining.

Mr. LOTT. Thank you, Mr. President.

THE PRESIDENTIAL DEBATES

Mr. LOTT. Mr. President, many Americans watched the debate between the President and Senator KERRY last week. It was a huge audience, and I think that is encouraging because this is a very important election. Very important decisions will have to be made by the American voters. As always, the issues they were debating are very critical—foreign policy issues, the war on terrorism, the situation in Iraq.

My thoughts now, as I have thought all year, are that this is a time for America to have a sure and steady hand at the tiller. There are a lot of difficult situations around the world. There are a lot of important decisions that must be made and commitments have been made that must be honored. Of course, one of the greatest commitments of all is the commitment we made to the men and women in uniform—men and women serving all over the world, including Afghanistan and Iraq. We don't need an uncertain trumpet at a time such as this. We don't need to be undermining or questioning the job they are doing.

Let me emphasize that I don't question anybody's integrity on that, and I know everybody supports our troops. But what we say has consequences. We need to be particularly careful when it comes to foreign policy.

There were a few times last week when I wanted the President to jump in and make a challenge or a strong statement. But I know he didn't because the President of the United States has to think about what it would mean if he was critical in a debate like that about the United Nations or of a particular country such as, say, France. He withheld the criticism.

But we do need consistency and credibility as we go forward with the war on terrorism, as we deal with the situation in Afghanistan, and as we move toward elections in Iraq. I believe we are doing the right thing now by going in and taking out some of the insurgents and strongholds in Samarra, and I presume we are going to take some similar actions in other parts of Iraq so the people of Iraq can exercise that great right of freedom, the right to vote.

But the areas where I thought more should have been said are three. First, with regard to North Korea and other parts of the world, Senator KERRY says we need to have the broadest possible coalition; that we should have a summit; we should have done more at the United Nations; we should have done that, this, or the other. But when it comes to North Korea, we should have bilateral negotiations between the United States and North Korea. That was tried in the last administration. I thought they deserved credit for making a valiant effort. I met with former Secretary of Defense Perry, who negotiated with the North Koreans a couple of times. He talked about what they were trying to do. But the fact is, it didn't work; they were cheating.

Now, the President has been saying let us exercise patience. Let us bring in the Chinese, the South Koreans, the Russians, the Japanese, a coalition, a discussion group of six. That makes sense to me.

Why a broad coalition in other parts of the world, but when it comes to North Korea and a very dangerous situation, we want it to be just between the United States and North Korea, bilateral? Why don't we take advantage of the interests of our friends and neighbors in that region and the Chinese, who certainly have a vested interest in what happens in North Korea? Nobody wants North Korea to have nuclear weapons and the ability to deliver them—certainly not the Chinese, the Japanese, or the South Koreans. They are right there.

I think the President is pursuing the right course when it comes to North Korea.

Another area I have taken an interest in—and I know the Senator in the Chair, the Senator from Nebraska, has looked at this and worked on it and worried about it—and that is this question of nuclear proliferation and what we do about the nuclear weapons and the nuclear materiels the Russians have.

There is a program called Nunn-Lugar that is working to try to deal with that problem. Senator KERRY says we are not doing it fast enough; that what we are doing would take 13 years, and he could condense it to 4 years. Well, that may be easy to hope for or to say, but you have to make it happen. There is another party in this deal, and they are called the Russians. They have something to say about proliferation.

Would I like to see us do it faster? Should we perhaps put more money in this area? Yes. But the administration has been working in this area. The funding has gone up, and I think it is very important that we do it in such a way that we can make sure the money is going for what it is supposed to; that the money is not siphoned off into corporations that do not do the job and enrich themselves.

You can only do so much credibly in a specified period of time. You need to think about that. You need to work with the Russians.

That is why a delegation of us went to Russia earlier this year. That is why we have a delegation coming from Russia early next year continuing the dialog between the Senate and the Russian Federation Council.

One of the areas we talked about most with the Russians is this particular area. I know Senator LUGAR has worked hard on this issue. Senator LUGAR goes to the sites. He doesn't just talk to the officials; he looks at the sites to see what has happened.

Again, I think there was a problem with what Senator KERRY was saying that was not sufficiently challenged. I am sure it will be challenged over a period of time. But the area that really stood out the most to me was this question of globalization of the war on terrorism. The President raised the question: What does that mean? Are you talking about the United Nations? Are you talking about an organization that for 12 years and 13 resolutions talked tough and didn't do anything? Are you talking about an organization that was supposed to be watching over the Oil for Food Program for the Iraqis that wound up enriching people all over the place and some of our so-called allies being involved, or corporations in those countries being involved in that program in a fraudulent way?

Is that what he was talking about? Or was he talking about the Germans and French?

That is where the President exercised discretion in his comments. But I have to be more specific. Remember the French? They were the ones who had their Foreign Minister aggressively fighting what we were trying to do at the United Nations by flying all over the world, including to Africa, to specifically try to get people, or nations on the Security Council at the United Nations, not to be supportive of the broadest possible coalition.

So when he talked about a broader coalition, again, you need to ask yourself who is he talking about? Is he talking about just the Germans and the French?

I also believe there was a problem with diminishing the coalition which has been helpful—the Brits, the Italians, and the Spanish—until there was a change in administrations—and the Australians. How could you leave out the Australians and the Dutch? And the list goes on and on.

They may not have hundreds of thousands, but they do have hundreds and in some cases thousands. They are doing the job, they are part of the coalition, and we should not diminish the sacrifice they are making with their presence but, more importantly, with their men and women. So I think when we talk about globalization, we need to be very careful.

The President's primary responsibility has to be to the American people. Can we work with other nations? Can we work to have the broadest possible coalition? Can we work with all the international organizations? Yes. The President cannot ever cede the responsibility for making the decisions and making decisions for the American people to some other entity or to some other country.

I think the debate last week was telling. It was of concern to me because of some of the approaches that were suggested by Senator KERRY.

I hope the American people will look at this very carefully. This is a time for a sure and steady hand, a time for consistency and credibility. President Bush has exhibited all of those traits.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

SENATOR KERRY'S GLOBAL TEST

Mr. MCCONNELL. Mr. President, during last week's Presidential debate, the junior Senator from Massachusetts claimed that he would only use preemptive force to protect the American people if that use of force passed something he called a ''global test''.

Let me repeat exactly what he said, because it is significant and I think the American people need to hear it again. When asked by moderator James Lehrer if he would use preemptive force, Senator KERRY said:

> If and when you do it, Jim, you have to do it in a way that passes the test, that passes the global test where your countrymen, your people understand fully why you're doing what you're doing and you can prove to the world that you did it for legitimate reasons.

I have another test for Senator KERRY. It is called the ''defense of America'' test. It is very simple. There is only one question on the final exam: Would you, as President of the United States, do whatever it takes to defend the American people from another terrorist attack?

If a President fails this test, Americans could die. Let me repeat that, because this is a very serious matter.

If a President fails this all-important test, Americans could die.

Let's look at Senator KERRY'S record and see how he scores.

By insisting that any preemptive strike America might take must pass a ''global test,'' Senator KERRY would give France, Germany, or the U.N. a veto over America's right to self-defense. The final decision to protect America would be made not in the Oval Office but in foreign capitals. The final decision to protect America would be made not by an elected American President but by an unelected U.N. diplomats.

If America must submit to a ''global test'' before acting to defend herself, we may lose the best opportunity to take preemptive action while our ''global test graders'' dither and delay. Our enemies might attack while we await our ''global test grade.'' Terrorists who cut innocents' heads off—gleefully—on camera—won't hesitate to unleash a horrific attack while America waits for its ''global test results.''

To cover for his global test, last week Senator KERRY claimed he would do a better job defending the homeland than President Bush. This despite the President's tripling of homeland security funding, creation of the Department of Homeland Security, and implementation of the USA PATRIOT Act.

I am more of a football fan than a hockey fan, but let me make this analogy. Of course we want as strong a homeland defense as possible. But ultimately, homeland defense is like the goalie on a hockey team: a last chance to stop the enemy. The only way to win is to go on offense, and by subordinating America's right of preemption, Senator KERRY has put his team in the penalty box.

Now, let's suppose Senator KERRY passes his ''global test'' and decides to use military force. What kind of military would America have, if he had had his way throughout his 20-year career in this body?

He opposed the B–1 bomber that dropped the bombs to destroy the al-Qaieda training bases and Taliban strongholds in Afghanistan.

He opposed the B–2 bomber that drove Saddam Hussein out of his Iraqi command posts and down a spider hole.

He opposed the F–14D Fighter Aircraft that sent missiles into Tora Bora in the hunt for Osama bin Laden, who Senator KERRY claims to want to find.

He opposed the Apache helicopter that destroyed the Iraqi Republican Guard tanks in Kuwait during the first Persian Gulf war.

He opposed the Patriot Missiles that America sent our NATO allies to block the spreading of the Iron Curtain.

He has opposed for 20 years a missile defense system, which could be the last line of defense were a rogue nation like North Korea ever to launch a nuclear weapon.

In the debate last week, he opposed the bunker-buster weapons that can knock loose the terrorists who hide in caves deep under the Afghan desert.

In 1994, after the first attack on the World Trade Center, he proposed cutting intelligence funding by a whopping $5 billion, and defended his proposal on this very floor by saying, ''the madness must end.'' Most Senators from his own party, including Senator KENNEDY, opposed his proposal.

He has repeatedly voted against pay raises for the troops now in Iraq, choosing instead to boost their morale by telling them they are fighting the ''wrong war in the wrong place at the wrong time.''

He voted against the $87 billion for our troops in Iraq, even though it included body armor for our soldiers. He then claimed this was a ''protest'' vote. Let me suggest we should never use our troops as pawns for protest.

Now it is time to grade this test. Again, there is only one question. Would you, as President of the United States, do whatever it takes to defend the American people from another terrorist attack?

Judging from the best evidence—the only evidence—we have, Senator

KERRY's votes as recorded in the CONGRESSIONAL RECORD, it is clear he is not ready for the final exam.

A generation ago, Senator KERRY vigorously attacked America for its role in another war. He claims to have moderated his views since then. But this ''global test'' is strikingly similar to what he said in 1970: ''I'd like to see our troops dispersed through the world only at the directive of the United Nations.'' He hasn't changed. He wants to turn our troops into blue-helmeted human shields.

President Bush is playing offense by taking the fight to the terrorists, where they live, and he supports giving our military and intelligence forces every last tool they need to win the war on terrorism. That is the only way to protect America. Only America has the will and the means to protect America from attack, and only this American Government has the authority to decide how and when. President Bush gets that. Senator KERRY does not.

I yield the floor.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Wyoming.

FIGHTING THE WAR ON TERRORISM

Mr. THOMAS. Mr. President, I appreciate the comments made by my friend from Kentucky. Certainly those are the discussions going on today.

I take a minute or two to talk about the war on terrorism. We are in a war on terrorism. We need to conduct that war and take it to the terrorists, not here at home. We do have a plan. In war, obviously, the plan does not always turn out the way one hopes and we have to change from time to time.

We need to be together on the goals. Our goal is to win. We must do whatever is necessary to win. We should not have all of our conversations about this war based on politics. Hopefully that will be over soon. We ought to talk about the challenges before the country. We need to support our troops and goal—and that is to win.

We are not alone in our effort, although that is talked about sometimes. Some 80 nations are working together with us to ensure the world is a safer and a more secure place. The coalition is removing the threat of terrorism and building a foundation to enhance national and international security.

The war being fought in Afghanistan and Iraq is bringing about a fundamental change to the environment that has given rise and power to the extremists who export terrorism.

Contrary to what those who focus only on the negative would have you believe, we have some good things to talk about that move us toward this goal of winning over there. Coalition forces have not lost an engagement at the platoon level or above in 3 years of war.

This terrorist enemy knows we cannot be defeated by him, but he is focused on winning the battle of perception by attacking civilians to spread fear among local populations in Iraq and Afghanistan. The terrorists' goal is to win the perception battle and to force us to lose our will to win.

Unfortunately, by trying to exploit the negative aspects of the war, some in our country have fallen into the trap and are unwittingly advancing this cause. This is unfortunate and, quite frankly, very counterproductive to our goal of winning.

We have been successful in Iraq and Afghanistan in many ways. Of course, the situation is still violent. It is still volatile. It is not the way we would like it to be, and much more remains to be done. But, again, we will succeed by focusing on success and by moving toward our goals.

Today, in Afghanistan, coalition and Afghan forces are setting the conditions for a stable and safe environment for a successful presidential election in October, followed by parliamentary elections in the spring.

The United Nations Assistance Mission in Afghanistan reports that over 10 million voters are registered as of August 29 for the October 9 presidential election. More than 41 percent of registered voters are women. This is an unusual kind of change for Afghanistan.

Today, more than 18,000 coalition forces, together with the Afghan National Army and Afghan National Police, are increasing their security operations in towns and villages. These are tremendous accomplishments by any standard. Although several months ago, when I had the privilege of attending there, you could tell—you could tell from the kids in school, you could tell from the people on the street—this movement was taking place. Unfortunately, of course, it is being slowed down by the terrorist attacks in Iraq.

Despite the negativity coming from the President's opponents, the United States remains fully committed to assisting the Iraqis in restoring security and rebuilding their nation. The Iraqi National Conference met and has selected the Interim National Council. This Interim Council for the Iraqi Government is now planning for elections, of course, in January. Some say: Well, can that happen? It will not be smooth. Of course it will not be smooth. To make a transition of this kind is not a smooth operation. But the fact is, violence will continue to exist and these things will continue to happen. But this movement toward a change in government to self-government will persist.

The enemy obviously is unscrupulous and will do anything, including, of course, the killing of innocent children, to stop this movement toward freedom from taking seed.

Overwhelmingly, however, the people of Iraq want to rebuild their country and to defend it from fringe groups that wish to tear it apart. The largest single contributor to Iraq's security is that effort of Iraqi people who continue to step forward to join the various Iraqi security forces. More than 230,000 Iraqis serve as part of their country's security force, with another 20,000 in training. Again, I had the opportunity to visit some of these training facilities, and they were new at that time, they were still becoming efficient at that time. You could sense this was happening, and there was a commitment on the part of Iraqis to do some things that were much different than they had been accustomed to.

They have been trained and are on duty in areas including police service, national guard, border enforcement, the Iraq Army, and the Iraqi intervention force.

Now, there are those who may say: I know, but they are not doing very well on the borders. Of course not. It takes time to do these things. This an extreme change from what they were doing in the past. We also know in our own country how difficult it is for border protections.

So while performance varies in regions, Iraqi security forces continue to improve. And they are recruiting additional persons to strengthen their efforts to be very successful.

I think it is clear that the Iraqi people have much at stake in defeating the terrorist insurgency, and they are indeed taking on this burden which, of course, is exactly what has to be done in order to transfer the governance and the security of Iraq to the Iraqi people—our goal.

They need our unequivocal support, not talk of cutting and running, because the mission is difficult. All of us knew it was going to be difficult. Again, we have to go back to the basis of terrorism; we have to go back to 11 September; we have to go back to the previous gulf war where the agreements made by Saddam Hussein were never put in place.

So all those things go in to where we are. Where we are now, you can argue about, but that is where we are. We need to win. We need to be positive. We need to be supportive of our troops and of our commitment. Our goals are lofty, and the road, of course, has not been easy and will not be easy in the future. There will be tough times before we are through. But we must remain resolute and be sure the job is completed and that we win. Because only by fostering freedom and democracy and hope in these oppressed regions of the world can we truly root out and defeat the terrorist threat we have faced and continue to face today.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Ms. COLLINS. Mr. President, shortly we will resume consideration of S. 2845. I am very hopeful that we will be able to clear an amendment that has been pending for some time. I know that the Senator from Ohio wishes to speak in opposition to Senator BYRD's amendment, which is the first amendment that we will vote on later this afternoon at 4:15. Until the Senator from Ohio arrives, which will be very shortly, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator forbear while the Chair announces the period of morning business is closed.

NATIONAL INTELLIGENCE REFORM ACT OF 2004

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2845, which the clerk will report.

The bill clerk read as follows:

A bill (S. 2845) to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

Pending:

Collins Amendment No. 3705, to provide for homeland security grant coordination and simplification.

Lautenberg Amendment No. 3767, to specify that the National Intelligence Director shall serve for one or more terms of up to 5 years each.

Kyl Amendment No. 3801, to modify the privacy and civil liberties oversight.

Feinstein Amendment No. 3718, to improve the intelligence functions of the Federal Bureau of Investigation

Stevens Amendment No. 3839, to strike section 201, relating to public disclosure of intelligence funding.

Ensign Amendment No. 3819, to require the Secretary of State to increase the number of consular officers, clarify the responsibilities and functions of consular officers, and require the Secretary of Homeland Security to increase the number of border patrol agents and customs enforcement investigators.

Reid (for Schumer) Amendment No. 3887, to amend the Foreign Intelligence Surveillance Act of 1978 to cover individuals, other than United States persons, who engage in international terrorism without affiliation with an international terrorist group.

Reid (for Schumer) Amendment No. 3888, to establish the United States Homeland Security Signal Corps to ensure proper communications between law enforcement agencies.

Reid (for Schumer) Amendment No. 3889, to establish a National Commission on the United States-Saudi Arabia Relationship.

Reid (for Schumer) Amendment No. 3890, to improve the security of hazardous materials transported by truck.

Reid (for Schumer) Amendment No. 3891, to improve rail security.

Reid (for Schumer) Amendment No. 3892, to strengthen border security.

Reid (for Schumer) Amendment No. 3893, to require inspection of cargo at ports in the United States.

Reid (for Schumer) Amendment No. 3894, to amend the Homeland Security Act of 2002 to enhance cybersecurity.

Allard Amendment No. 3778, to improve the management of the personnel of the National Intelligence Authority.

Byrd Amendment No. 3845, to enhance the role of Congress in the oversight of the intelligence and intelligence-related activities of the United States Government.

Warner Modified Amendment No. 3877, to modify the role of the National Intelligence Director in the appointment of intelligence officials of the United States Government.

Leahy/Grassley Amendment No. 3945, to require Congressional oversight of translators employed and contracted for by the Federal Bureau of Investigation.

Reed Amendment No. 3908, to authorize the Secretary of Homeland Security to award grants to public transportation agencies to improve security.

Reid (for Corzine/Lautenberg) Amendment No. 3849, to protect human health and the environment from the release of hazardous substances by acts of terrorism.

Reid (for Lautenberg) Amendment No. 3782, to require that any Federal funds appropriated to the Department of Homeland Security for grants or other assistance be allocated based strictly on an assessment of risks and vulnerabilities.

Reid (for Lautenberg) Amendment No. 3905, to provide for maritime transportation security.

Reid (for Harkin) Amendment No. 3821, to modify the functions of the Privacy and Civil Liberties Oversight Board.

Roberts Amendment No. 3748, to clarify the duties and responsibilities of the Ombudsman of the National Intelligence Authority and of the Analytic Review Unit within the Office of the Ombudsman.

Roberts Amendment No. 3739, to ensure the sharing of intelligence information in a manner that promotes all-sources analysis and to assign responsibility for competitive analysis.

Roberts Amendment No. 3750, to clarify the responsibilities of the Directorate of Intelligence of the National Counterterrorism Center for information-sharing and intelligence analysis.

Roberts Amendment No. 3747, to provide the National Intelligence Director with flexible administrative authority with respect to the National Intelligence Authority.

Roberts Amendment No. 3742, to clarify the continuing applicability of section 504 of the National Security Act of 1947 to the obligation and expenditure of funds appropriated for the intelligence and intelligence-related activities of the United States.

Roberts Amendment No. 3740, to include among the primary missions of the National Intelligence Director the elimination of barriers to the coordination of intelligence activities.

Roberts Amendment No. 3741, to permit the National Intelligence Director to modify National Intelligence Program budgets before their approval and submittal to the President.

Roberts Amendment No. 3744, to clarify the limitation on the transfer of funds and personnel and to preserve and enhance congressional oversight of intelligence activities.

Roberts Amendment No. 3751, to clarify the responsibilities of the Secretary of Defense pertaining to the National Intelligence Program.

Kyl Amendment No. 3926, to amend the Immigration and Nationality Act to ensure that nonimmigrant visas are not issued to individuals with connections to terrorism or who intend to carry out terrorist activities in the United States.

Kyl Amendment No. 3881, to protect crime victims' rights.

Kyl Amendment No. 3724, to strengthen anti-terrorism investigative tools, promote information sharing, punish terrorist offenses.

Stevens Amendment No. 3826, to modify the duties of the Director of the National Counterterrorism Center as the principal advisor to the President on counterterrorism matters.

Stevens Amendment No. 3827, to strike section 206, relating to information sharing.

Stevens Amendment No. 3829, to amend the effective date provision.

Stevens Amendment No. 3840, to strike the fiscal and acquisition authorities of the National Intelligence Authority.

Stevens Amendment No. 3882, to propose an alternative section 141, relating to the Inspector General of the National Intelligence Authority.

Collins (for Inhofe) Amendment No. 3946 (to Amendment No. 3849), in the nature of a substitute.

Sessions Amendment No. 3928, to require aliens to make an oath prior to receiving a nonimmigrant visa.

Sessions Amendment No. 3873, to protect railroad carriers and mass transportation from terrorism.

Sessions Amendment No. 3871, to provide for enhanced Federal, State, and local enforcement of the immigration laws.

Sessions Amendment No. 3870, to make information sharing permanent under the USA PATRIOT ACT.

Warner Amendment No. 3876, to preserve certain authorities and accountability in the implementation of intelligence reform.

Collins (for Cornyn) Amendment No. 3803, to provide for enhanced criminal penalties for crimes related to alien smuggling.

Collins (for Baucus/Roberts) Modified Amendment No. 3768, to require an annual report on the allocation of funding within the Office of Foreign Assets Control of the Department of the Treasury.

Collins (for Stevens) Amendment No. 3903, to strike section 201, relating to public disclosure of intelligence funding.

Frist (for McConnell) Amendment No. 3930, to clarify that a volunteer for a federally-created citizen volunteer program and for the program's State and local affiliates is protected by the Volunteer Protection Act.

Frist (for McConnell) Amendment No. 3931, to remove civil liability barriers that discourage the donation of equipment to volunteer fire companies.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Maine.

Ms. COLLINS. Thank you, Mr. President. The bill is now officially before the Senate. It is open for amendment. We have great deal of work to do on this legislation, as the Presiding Officer is well aware. I do anticipate many votes later today, starting at 4:15. I do anticipate a late session tonight in order to make considerable progress on the bill.

In addition, I want to alert my colleagues to the fact that the majority leader, with the consent of the Democratic leader, did file a cloture motion last week that will ripen tomorrow morning. So we are determined to make good progress on this bill. We made a great deal of progress last week. Negotiations continued over the weekend. But we have to finish this highly significant bill. That is the leader's intention. It is the floor managers' intention. And we will be working long and hard to do so both tonight and tomorrow night.

I thank the Chair.

The PRESIDING OFFICER. The Chair, in a helpful way, wishes to inform the Senate that under the previous order, at the hour of 4:15 today, the Senate will proceed to a series of votes on the pending amendments with 2 minutes equally divided for debate prior to each vote.

Ms. COLLINS. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, first, I congratulate Senator COLLINS and Senator LIEBERMAN for their very fine work on this bill. Anyone who has watched this debate has to be very impressed by the work they have done in, frankly, a relatively short period of time. They have held a number of hearings. They have diligently worked on this bill and brought the bill to the floor.

I came to the floor last week and asked my colleague from Maine some questions. I thought she had some very good answers. As I expressed at that time—and I have made no secret of this—I have always been concerned that any bill we produce, in fact, give the head of our intelligence enough authority, enough power to actually get the job done. And that was my concern. Frankly, that was the nature of my questions to my colleague from Maine last week.

I come to the floor this morning to express my concerns about the Byrd amendment. My reading of the Byrd amendment is, frankly, that it would strike at the heart of the Collins-Lieberman bill. I believe if the Byrd amendment were to be adopted, all my worst fears would be realized, and we would end up with a bill that would look like it was giving power to this new head of intelligence in this country, but, in fact, that person would not really have the requisite power they needed.

I wonder if I may ask my friend and colleague from Maine several questions about her interpretation of the Byrd amendment.

My understanding is that the Byrd amendment begins, on the copy I have, on page 27 of the bill and strikes the title ''Transfer or Reprogramming of Funds and Transfer of Personnel within NIP.''

I wonder if my colleague shares my concerns about the danger of this amendment. I think, frankly, this is a gutting amendment. I wonder what her reaction to that is.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, if the Senator from Ohio will yield, I will be happy to respond to his question. The Senator from Ohio is exactly right. The amendment offered by the Senator from West Virginia would greatly weaken the authority of the national intelligence director to move funding and people. That is one of the most important reforms made by this legislation. That is one reason I am strongly opposed to the amendment offered by the Senator from West Virginia.

I believe the Senator from Ohio is exactly right, that were the amendment to pass, it would severely undermine the reforms called for by the 9/11 Commission to create a NID with real authority. That means the authority over the budget, over the people in the national intelligence program, the authority to set priorities, and certainly the Byrd amendment would greatly weaken that authority.

Mr. DEWINE. I appreciate very much my colleague's response. That is the way I read this. As I expressed when I was on the floor last week, really what we need to do is to empower this person, this new position with the authority to get the job done. Never again do we want to be in a position where the head of intelligence of this country can come before the committee and say: I do not have enough power; I do not have the authority to get the job done; I could not move people around; I did not have the budget authority.

That, I think, is what my two colleagues who are on the floor right now have tried to craft with this bill. If you look at this particular section, it talks about the transfer of people and the transfer of money, and the ability of that person to be able to do that and to be the prime mover, the prime person who could do that.

Never again should the head of intelligence in this country really be subservient to anybody else. Yes, they should consult. Yes, they should involve other people. But they certainly should be the prime person.

I wonder if I may ask my colleague—I see Senator LIEBERMAN on the floor—I know some people do have concerns with the way the Senator has written the bill, that other agencies would not be consulted. With the way the Senator has written the bill, would the new head of intelligence consult other agencies and be involved with other agencies with regard to these very essential decisions?

Mr. LIEBERMAN. Mr. President, through you, I am pleased to respond to the Senator from Ohio. I thank him for his questions. The direct answer is that in the proposal Senator COLLINS and I have put down, the national intelligence director, in formulating the national intelligence budget, as distinguished from the military tactical intelligence joint budget, would be required to consult with the heads of the relevant intelligence agencies in formulating his budget, but we make very clear that the budget authority for the national intelligence budget ought to go to the national intelligence director, both in terms of final recommendations to the Office of Management and Budget and the President, but then that the money must come to the national intelligence director before it goes to those constituent agencies. That is a critical element of the authority that we want to establish in the national intelligence director where there is none.

We had repeated testimony before our committee from Secretary Powell, from former Directors of Central Intelligence that without budget authority, they are ineffective, they have no clout.

In addition to constricting, as the Senator from Ohio has made clear, the authority of the national intelligence director under the Collins-Lieberman proposal to transfer both personnel and funds, the Byrd amendment does dramatically undercut that budget authority by, if I can state this to the best of my ability in lay people's language, removing the authority of the new national intelligence director to have budget accounts at the Treasury Department, which would mean that the only way Treasury could transfer money to the national intelligence director was back through the Department of Defense. That is exactly what we are trying to change.

Mr. DEWINE. If I may ask an additional question for Senators who are watching today, maybe the answer is obvious, but what is the importance of that distinction, the inability to do that, having that money go through the Defense Department as opposed to the national intelligence director?

Mr. LIEBERMAN. It is just such a strange circumstance with which I believe many members of our committee were surprised to find, that the intelligence budget, including the CIA budget, the Central Intelligence Agency right now, goes through the Department of Defense before it gets there. Obviously, the Defense Department is an important user of intelligence, perhaps the most important, so is the State Department, the President, and the Homeland Security Department.

The current situation is a little bit—let me see if I can think of an analogy, and I know this is farfetched—where the budget of the Securities and Exchange Commission went through the Department of Health and Human Services. It may be a little farfetched. Maybe it went through one of the other Departments that is slightly more related. It makes no sense.

Again, we are trying to create authority here, and authority in this town, as we kept hearing over and over, is built on money, budget authority, and this amendment would remove that authority from the national intelligence director and, therefore, weaken that position. I fear it would get us back to where we are now, where we do not have that authority with anyone in the intelligence community and no one is in charge.

Mr. DEWINE. I wonder if I may ask my colleague another question. As one looks at the language throughout the bill that Senator COLLINS and Senator LIEBERMAN have crafted, they have made a distinction between the national intelligence programs and the nonnational intelligence programs, given certainly the authority over the national intelligence programs and what they described as far as the budget authority, execution authority over

those to the national intelligence director.

The other programs that are not national intelligence programs continue to remain, then, with other departments—for example, the Defense Department—is that correct?

Mr. LIEBERMAN. I am sorry? I missed the question.

Mr. DEWINE. The other programs that are not national intelligence programs would not come under, then, the national intelligence director?

Mr. LIEBERMAN. That is correct. We tried to draw some lines. They are not always clear because there are a lot of programs that overlap, but to say that anything in the national intelligence budget should go to the national intelligence director, that is his or her job. There are other programs that are uniquely the work of the Defense Department—I am going to put it another way: that are totally used by the Defense Department for tactical intelligence to support the work of one service of the military or a joint military action. But those assets are not used for anything else in our intelligence community nonmilitary and, of course, they should go for budget control to the Secretary of Defense.

Mr. DEWINE. That is the way the Senator's bill is written?

Mr. LIEBERMAN. Absolutely. We preserve that. There are one or two amendments that are seeking still to clarify that break that we will debate and vote on I would guess before this bill is finally considered, but that is exactly what we have done in the underlying bill.

Mr. DEWINE. When I came to the Senate floor last week, I was asking questions of both the Senator from Connecticut and my colleague from Maine, and I was happy to hear some of the answers about the Senator's understanding of this bill that has been drafted, but I am concerned that under the amendment from our colleague from West Virginia, these powers would be gone. For example, I asked about the ability to move personnel around, and the Senator assured me under his bill the national intelligence director would be able to move personnel around from one department to another as long as it was a national intelligence program. Is it the Senator's understanding under the amendment from our colleague from West Virginia that power would be gone?

Mr. LIEBERMAN. I say through the Chair, that power would be seriously limited, which is to say the personnel transfers under the amendment would have to be done in accordance with procedures to be developed by the national intelligence director with the concerned department head and only for periods up to 1 year, and that is a constriction that says to the national intelligence director: You do not have the latitude to do what you think is necessary to protect the national security interests. This is a little bit like saying to a general: You can only make a decision for a short period of time in moving your troops around to better confront the enemy and achieve victory. It makes no sense. It is a critical part of the overall proposal of our bill and the 9/11 Commission.

If the Senator from Ohio would give me a moment, this morning, the Family Steering Committee composed of families of victims of 9/11 sent a letter to every Senator commenting on some of these amendments. With regard to this amendment introduced by the Senator from West Virginia, No. 3845, they say that the 9/11 Commission has stated repeatedly that the power of the purse is critical for the national intelligence director position. S. 2845, the underlying bill, provides for the national intelligence director to be empowered with budget execution and transfer authorities. The NID also needs to be able to transfer personnel in response to threats, which is what the Senator's question goes to. So the families conclude: In summary, we oppose amendment No. 3845 introduced by the Senator from West Virginia and others because it reduces the authority of the national intelligence director.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, if the Senator from Ohio would yield on that point.

Mr. DEWINE. I sure will.

Ms. COLLINS. The amendment offered by our colleague from West Virginia would actually give the national intelligence director less authority than the DCI has under current law to move people and money around to address urgent needs. It not only would undo the reforms in our bill, it is a step back from current law.

Under the Byrd amendment, aggregate transfers from a department or agency would be limited to $100 million or 5 percent of the funds available to the department or the agency. There is no such limitation in current law. The amendment offered by the Senator from West Virginia not only undermines the reforms in this bill and significantly would weaken the authority of the NID to move people and money to meet urgent compelling needs, but it actually is weaker than the authority that the Director of the CIA now has. I just wanted to make that point. I know the Senator from Ohio is aware of that as well.

Mr. DEWINE. I thank my colleague for her answer, and that is something that should alarm all the Members of the Senate. I believe there is a general consensus—certainly there is in the intelligence community, a general consensus at least, and I think there is among Members of the Senate—that the power of the DCI today is not enough, and to think that we would be thinking about passing a bill that would pass with this amendment possibly that would weaken the head of our intelligence agencies and give that person less power to me is a shocking thought.

I believe our whole goal should, in a very responsible, rational way, create a new system, which this bill has done, to empower one person to have the authority to run the intelligence in this country. I am afraid, as this discussion has pointed out between my colleagues and myself, that the Byrd amendment will take us actually in the wrong direction. It is a weakening amendment. At least for this Member, it is a gutting amendment. It, frankly, would make it impossible for me to vote for this bill. It would destroy the power of the head of intelligence, this new position, and it would be the wrong thing to do. It is very well intended, but it would be a very serious mistake. This discussion we just had certainly brings that out.

Again, I want to congratulate my colleagues. They have done a very good job in trying to deal with all of the diverse needs we have in the intelligence community, the Defense Department, and all the other agencies. It has been a very tough job, and I congratulate them for their work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to thank our friend and colleague from Ohio for both his thoughtful consideration of this legislation and his very relevant questions this morning, which I do believe help to illuminate the consequences on one of the amendments we are going to vote on today.

Last week, the Senator was here in a less friendly posture. It is always better to have him on our side, and I thank him very much for caring enough about this critically important legislation to come over and be part of this debate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

The Senator from West Virginia is recognized.

AMENDMENT NO. 3845

Mr. BYRD. Mr. President, in a few hours the Senate will vote on the Byrd-Stevens-Inouye-Warner amendment. That amendment's purpose is to ensure that the new national intelligence authority is held accountable to the people's representatives in the Congress. Let me say again, the amendment which I have offered on behalf of myself and Mr. STEVENS, Mr. INOUYE, and Mr. WARNER has a purpose, that purpose being to ensure that the new national intelligence authority, the NID, is held accountable to the people's representatives in the Congress.

Last Friday, I spoke about the Englishmen who spilled their blood to wrest the power of the purse away from

monarchs, over many centuries, in England. Their struggle was enshrined in Article I, section 9 of the U.S. Constitution, which I hold in my hand, the Constitution of the United States—the struggle of Englishmen across many centuries, even prior to 1215 when the barons yielded, the great Magna Carta was agreed to by King John, a mighty monarch. And what does that section 9 of Article I say?

No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

Not just some of the moneys, all of the moneys. How then, I ask Senators, can a regular account of public money be kept if the Congress empowers a new intelligence director to spend money without regard to appropriations law and without regard to this Constitution?

This is a debate about power. Make no mistake about it. It is a debate about power and who should wield it—the elected representatives of the people or an unelected, unaccountable bureaucrat nestled deep inside our Nation's intelligence agencies.

It goes to the heart of the balance of power between the executive and the legislative branches of Government. I took an oath to support and defend that Constitution, and I have tried to do that now, I will soon be in my 59th year in government, in politics, in the legislative branches of Government—at the State level and at the national level.

Under the pending bill, the Treasury Secretary is authorized to create appropriations accounts to which the national intelligence director can transfer funds. Get that. We are talking about an unelected bureaucrat who will be able to transfer funds. The Collins-Lieberman bill includes no limits on how those funds can be used.

Let me say, I don't see either of the two managers on the floor but they are listening. I saw Senator LIEBERMAN just a few minutes ago. I am sure he is in the premises here. One of the distinguished persons who is aiding the Governmental Affairs Committee in this connection has nodded in the affirmative. So I am not talking behind Senator LIEBERMAN's back. He is here. He knows very well what I am saying, and I am sure he will be very ready to counter my arguments. I respect him for that.

Let me say again, under the pending bill, the Treasury Secretary is authorized to create appropriations accounts to which the national intelligence director can transfer funds. The Collins-Lieberman bill includes no limits on how those funds can be used once they are transferred. Under current law, the intelligence director would be authorized to transfer up to $3.5 billion from the defense budget, giving this director enormous transfer authority never contemplated by the Congress.

That places the Congress on the defensive. The Congress would have to act retroactively to transfers made by the national intelligence director, allowing the intelligence director to spend funds without adequate oversight by the Congress.

I remind Senators that in 1996, the National Reconnaissance Office—the Government's spy satellite agency—was discovered to have stashed away billions of dollars into a reserve that was not reported to the Congress. While the proponents of the bill before the Senate argue that the national intelligence director needs strong budget authority to fight the war on terror, Senators should understand that the intelligence director can use that authority for activities that have nothing to do with the war on terror. The intelligence director could use this sweeping transfer authority to circumvent the limitations imposed by the Congress, the elected representatives of the American people. It has happened before, and it will happen again. It can happen again and very likely it will happen again.

Senators COLLINS and LIEBERMAN have argued that our mandate here today is to implement the 9/11 Commission recommendations and that those recommendations include an intelligence director with strong budget authority. I respectfully submit that our mandate as Senators—my mandate, at least, as a Senator—first and foremost is to protect and defend the Constitution of the United States.

We took an oath to do so, and that mandate supersedes any recommendations put forward by any commission, including the 9/11 Commission. To provide virtually unchecked flexibility to an intelligence director to transfer funds from one account to another would nullify and make meaningless the legislative process of reviewing budget requests from the intelligence agencies. It would nullify and make meaningless congressional decisions about how funds are allocated.

Congressional judgment by elected lawmakers—I am elected; I am one of the elected lawmakers. From time to time I have to go back before the people and see if they want me to continue in this work. Congressional judgment by elected lawmakers would be made subordinate to executive judgments by unelected bureaucrats.

The power of the purse for which our English ancestors spilled their blood and which has protected our democratic institutions and individual rights for centuries would, in a very large measure, pass to the executive branch.

I am saying, in essence, that we need more time to discuss this amendment and to discuss this bill. I don't know what is in the bill. I have read parts of the bill, but I have many other duties to perform, and I think we need more time. This is a major bill. This is the very same thing we ran into when we created the Department of Homeland Security—the very same thing. We are backed up against the wall. The idea is you have to pass this. You have to do it. You have to get behind it. And we find we have a lot of problems with that.

I sought to have the leadership take a little more time on that bill, discuss it, debate it, but the leadership didn't choose to take more time.

It was the very same way with the nefarious resolution that was passed by this Senate on October 11 of 2002 to shift the constitutional power to declare war to a single individual; namely, the President of the United States. I pleaded that we have more time. I pleaded on that same occasion—I think it was with Mr. LIEBERMAN and with the other managers on both sides—please take more time.

Here we are shifting the power. Congress says in article I, section 8, that the Congress shall have the power to declare war. So the Framers of the Constitution did not intend for one man to be able to declare war. The Framers of the Constitution did not intend for one body to put this Nation into a war. It required both bodies. The Constitution says Congress—not just the Senate, not just the House—Congress, which is a combination of both, Congress shall have power to declare war. So the Framers meant for that very great question to be decided by a huge body of men. It was men in those days, only men in the Congress of the United States; but, of course, we know what ''Congress'' meant—for anybody who serves. It is Congress made up of the elected representatives of the American people. So I have a mandate to listen to the American people. I have a mandate to exercise whatever judgment I have and can bring to bear in my own way to look at these things and to ask questions.

So there we were. We passed it in a big hurry. The leadership on both sides said: Let's get this behind us. I am talking about the resolution that was passed by the U.S. Senate on October 11, 2002, shifting the power, shifting the decision to put this country at war, shifting that decision away from the Congress and handing it over lock, stock, and barrel to one man—the President of the United States. It does not make any difference if he is a Democrat or a Republican, that power is his and will be in the next President's hand. He will have that power, and the next one, if he or she decides to use it. It will be there for them because there is no sunset provision in that resolution terminating that power.

I sought even to have the Congress adopt an amendment which would have provided for a sunset provision in that power so that within a year or at most 2 years—and the circumstances were set forth in my amendment calling for a sunset provision, a termination of handing this power over to any President, Republican or Democrat. Do you know how many votes I got? Well, I got 31 votes, including my own.

I yet am astonished to this very day as to why the Members of the Senate of the United States sought not only to give that power to a President, one man—whether he is Democrat or Republican, that is not the point—shift that power to a President. I said: If we are going to be foolish enough to do that, let's at least have a sunset provision so we can terminate that power. But no, I got 31 votes, including my own—31 votes. What a shame that this Senate and the House would give that power to an individual and say: It's yours, take it, keep it until we in the Congress decide to repeal that provision and take it back. How about that. So the sunset provision was turned down.

I asked for more time. Oh, the leadership said: Let's get this behind us. The President said: Get it behind you; we have an election coming. That was the manipulation that was wrought to have that key vote occur just a few days before the national elections in the year 2002.

Why, those Members who were up for reelection, as they voted on that resolution, they certainly thought: If I vote against this, what is it going to do to me and my reelection? People might think I am unpatriotic; I better vote for this; man, I have to be reelected; I have to be reelected; I am going to vote for it; I have some questions about it, but I am going to put all questions aside because we have an election coming here. The leadership said: Put it behind us; let's vote on it, get it behind us.

I said at the time: You will not get this behind you because this President is not going to let you get it behind you. It is in his favor to make you vote before the election. You might vote differently after the election. No, you have to vote before the election. There we were. We did not have time. I pleaded for time, time, wait until after the election, let's wait to hear what the people have to say.

Here again, we are pressed for time. We are going to go out on I believe it is October 8 presumably for the elections, at least until they are over, so we are in a hurry. Let's not wait until after the election; no, let's get this behind us. We have to do what the Commission says. What about the Constitution? We are legislating in a tremendous hurry, and that is not good.

Former Secretary of State Henry Kissinger in his appearance before the Appropriations Committee said that ought to be put off. You need, I believe he said, 6 or 8 months. I am not sure I am quoting him precisely. In essence, that was his message: Put it off; don't do it in a time before an election; don't do it under the heat that is generated; take your time; this is a measured, measured decision, don't rush it through. Former Secretary of State Henry Kissinger showed the committee the names of several other very important dignitaries who, by their experience, see the reasoning all joined in the suggestion that we take our time. But no, we are brushing that aside, and that was the decision on the part of former Secretaries of Defense—for example, Mr. Cohen. It included both Republicans and Democrats urging that we take more time. I think we should take more time here because we are doing some dangerous things in this bill.

My amendment will keep the power of the purse where it belongs, not in the hands of the intelligence community but here in the hands of the people's elected representatives in the Congress. My amendment retains for the Congress the responsibility for deciding how budget accounts for the intelligence director should be structured while allowing the flexibility the Governmental Affairs Committee seeks for the transfer of personnel and funding within the intelligence community. My amendment is an oversight amendment. It guarantees better oversight over the way these funds are going to be spent.

Normally, when we pass an appropriation, we say to Mr. A, who is head of one agency: Here, you take this and you do this, and you do this, and you do this, and you do this, and then come back in a year and tell us what you did; come back in here tell us what you did with our limitations to do this, do this, but don't do this, don't do this. Under those limitations the agency assures Congress he will live up to the mandate, he will do this, he will do this, and he will not do this that Congress said don't do.

Well, that is not going to be the case. This national intelligence director will do whatever he wants to do, and then there will not be those limitations, either, on him or her. He is not going to be elected. He is going to be another bureaucrat—and I do not mean to speak in any derogatory manner concerning bureaucrats because we have to have them—but they are not elected by the people.

All these seats—these chairs, as I call them—were here many years before I came, and they are filled with Members who are elected by the people of their respective States. We have to answer to those people.

This amendment limits the transfer of funds to $100 million or to 5 percent of the Department or Agency budget, whichever is the lesser. Senators should realize that even with the limitations included in this amendment, the intelligence director is granted significant authority to transfer funds. He would still have significant authority. Given the history, though, of abuses of power and the violation of civil liberties that have taken place within our intelligence community, I cannot imagine Senators condoning such sweeping budget transfer authority.

Hear me, Senators. We should take time. We are talking about rushing through a massive change, one which will have some bearing upon this Constitution which we are sworn to support and defend, and yet we are going to do it with our ears closed, our eyes closed, and our voices unheard.

We are being pressured to act fast before we go home on October 8. I cannot imagine Senators condoning such sweeping budget transfer authority. Common sense and history suggest that if one man is given control of our intelligence agencies and one man is given control over funds appropriated to those agencies, abuses can occur, may occur, and in all probability will occur at some point in time. Those abuses may manifest themselves in the violations of civil liberties, your liberties. They may manifest themselves in scandals such as those at Abu Ghraib prison, or they may manifest themselves as they did in the lead-up to the war in Iraq through politicized intelligence. Therein lies a great danger.

The New York Times, on Sunday, wrote a very lengthy article—read it—entitled, ''How the White House Embraced Disputed Arms Intelligence.''

I ask unanimous consent that the article from the New York Times be reprinted in the RECORD at the close of my remarks.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD. Mr. President, the article explores how senior administration officials, including President Bush and Vice President CHENEY, ''repeatedly failed to fully disclose the contrary views of America's leading nuclear scientists'' when asserting in 2002 that Saddam Hussein was rebuilding his nuclear weapons program. The article reads:

> They sometimes overstated even the most dire intelligence assessments . . .

It goes on to say:

> yet minimized or rejected strong doubts of nuclear experts.

The article goes on:

> Today, 18 months after the invasion of Iraq, investigators there have found no evidence of . . . a revived nuclear weapons program.

Secretary of State Colin Powell said last Friday he regretted the administration's claims that Iraq had stockpiles of weapons of mass destruction in making its case for war.

So the gut-wrenching question for the Senator from Maine is—hear me—if we do this intelligence reorganization hurriedly, are we willing to launch our next preemptive war based on the presumption that our handiwork has corrected our intelligence problems? That is a very serious question.

I will say it again: The gut-wrenching question for you, ROBERT C. BYRD, and for every other Member of the Senate, remains: if we do this intelligence reorganization hurriedly, as we are doing, are we willing to launch our next preemptive war based on the presumption that our handiwork has corrected our intelligence problems?

Think about it. That should sober one up. The question remains, and we

are going to be held to it by the American people and by that Constitution: If we do this intelligence reorganization hurriedly, are we willing to launch our next preemptive war based on the presumption that our handiwork has corrected our intelligence problems?

I say to Senators, again, preemptive attack is the official policy of this Government. Preemptive attack today, under the Bush administration, is the official policy of this Government.

Remember also that preemption is totally antithetical to the U.S. Constitution because it clearly cuts the Congress out of decisions to go to war. Preemption by its very nature precludes congressional debates or approval of resolutions before commencing to shed the blood of our sons and our daughters. Preemption stands on its face antithetical, opposite, 180 degrees, to this Constitution, which says that the Congress shall have power to declare war; the Congress, meaning a group of people, two bodies, made up of men and women representing all of the States of this Union. Congress shall declare war, not one man. But the doctrine of preemption tells us the President—the President, not the Congress—the President shall have power to declare war. That is the preemptive doctrine. That great power may send your son, your daughter, your grandson, your granddaughter to war. Who says so? One man, the President of the United States.

So on its face it is unconstitutional. How can a President declare war without doing it clandestinely, secretly? If he wants to bomb a certain country, he is not going to take it up with the Congress. He wants to be secret about this because that strike has to be preemptive. How can it be preemptive if it is going to be debated by the Members of the United States Senate? It can't be preemptive.

Let us remember that intelligence—remember, this is not just ROBERT BYRD saying this—let us remember that the intelligence was manipulated to get us into the Iraq war. Will it not be more easily manipulated in the hands of one intelligence chief, a partisan chief more free than ever to tweak intelligence to please a President? It may be a Democratic President. Does that make it any better? No. That makes no difference.

It is comforting to believe that our intelligence agencies will not be manipulated for political gain, but it is also naive to believe that. To turn over to a greater degree the power of the purse to shadowy figures in the intelligence community is to invite abuses like those that lead to scandal and to the disgrace of the United States in the eyes of the international community.

Think of what we are doing here. It is just like it was when we had that resolution before the Senate on which the Senate voted on October 11, 2002. There is not another Senator on this floor, except the distinguished Senator from Mississippi, Mr. COCHRAN, who is presently presiding over this body, and myself, two Senators. A major question is before the Senate. We are talking about your oversight duties as a Member of the Senate, as you chair or as you serve on a committee—your oversight; the oversight powers of the Congress, provided for in the Constitution of the United States. Yet we are saying, Well, forget it.

The Congress must preserve its power to rein in—not just because it can but because the people expect it of the Congress—our Nation's intelligence agencies and to rein in the executive branch when abuses like these occur.

Further, we must do all we can to ensure that the new intelligence positions created by the Collins-Lieberman bill are held accountable to the Congress; in other words, to the people. This Constitution, in its first three words, says, ''We the people . . . .'' So we have a responsibility. We have a duty to the people we represent to see that these people are held accountable to the Congress.

On page 47, the pending bill creates four deputy national intelligence director positions as executive level 2 appointments, the equivalent of a Deputy Secretary of Defense or State. Yet none of these new positions is subject to Senate confirmation. How about that? The Congressional Research Service informs me that these deputy intelligence directors would be—listen to this—the only executive level 2 appointments in our Government not subject to confirmation by the Senate. There you have it. These people are going to have tremendous responsibilities, but I am informed that these deputy intelligence directors would be the only executive level 2 appointments in our Government not subject to Senate confirmation.

So it is clear that more needs to be done to ensure accountability to the Congress. How much thought was given to this in the distinguished committee? How much thought was given to this in the Commission that recommends to the Congress these reforms? These clearly mean that more needs to be done to ensure accountability to the Congress. The intelligence failures of 9/11 and the intelligence failures in Iraq are in part a testament to the dire consequences of the Congress abdicating its constitutional duties. The Congress was rushed, as it oftentimes is—rushed, pressured—could be pressured by circumstances only, but that is not quite the case. Congress was rushed into creating a homeland security department, and, in the process, it ceded authorities to the executive branch over organization and personnel matters. The result has been an underfunded homeland security agency whose effectiveness has been compromised, to some extent, by turf wars and bureaucratic resistance.

So we rushed consideration of the war resolution with Iraq, and in the process ceded the constitutional authority to declare war to the White House. The result has been a rush to war marked by foreign policy failures and scandals, with the death toll rising daily and with no end in sight to the chaos in Iraq.

What a pickle. What a pickle we have put ourselves in. Now the Congress is confronted with an intelligence reform bill, proposing to create a national intelligence director who will command 15 intelligence agencies and a $40 billion budget. Rather than learn from our mistakes, rather than take the time to thoughtfully consider this matter outside of Presidential politics, we are being pushed to finish this bill within a handful of days, finish this bill within a shirt-tail full of days, and to cede control over the allocation of the resources to the intelligence community.

Think about it. Think what you are doing. Think what you are about to do, Senators. National security experts are pleading with the Congress to stop for a minute. Hold on, here. Hold on, they say. Stop for a minute to think about what it is doing.

The Appropriations Committee heard from a bipartisan array of witnesses urging the Congress to slow down.

What is the hurry? What is the hurry?

The list is impressive. These men are not Members of the Congress. Listen to them, though. They are saying, slow down. David Boren, former Senator from the State of Oklahoma, former chairman of the Intelligence Committee in the Senate.

Here is another former Senator, Bill Bradley, saying let's slow down here. Slow down. Where is the hurry? Frank Carlucci, former Secretary of Defense under President Reagan. Here is a more recent Secretary of Defense, former Member of this body, a Republican, William Cohen. Robert Gates, Gary Hart, former U.S. Senator; Henry Kissinger, former Secretary of State; John Hamre.

In the case of some of these, their titles have momentarily escaped me.

Sam Nunn, former Senator from the State of Georgia and chairman of the Senate Armed Services Committee;

Warren Rudman, Republican, former Senator from New Hampshire; George Shultz, former Secretary of State, Republican—there you have it, an impressive roster of Republicans and Democrats who rendered great service to this country in one form or another. They are saying slow down. What is the hurry? What is the hurry? They are former Senators, former Department of Defense Secretaries, former Secretaries of State, Republicans and Democrats, all making the same plea: ''Racing to implement reforms on an election timetable is precisely the wrong thing to do.''

That is not ROBERT BYRD saying that. ROBERT BYRD is quoting these luminaries, and ROBERT BYRD feels the same way they do.

''Racing to implement reforms on an election timetable is precisely the wrong thing to do. Intelligence reform

is too complex and too important to undertake at a campaign breakneck speed.''

They are saying this subject matter deserves a thoughtful, comprehensive approach. Why in Heaven's name are we in all of this big hurry? Why is there all of this hurry? I am not saying there shouldn't be reform. I am not saying that at all. I am saying this is a major undertaking and we ought to have the time and we ought to take time to debate and ask questions and to try to remove the gremlins that may come to light if we take more time.

The Wall Street Journal concluded in August that:

The larger point here is that there is no need to rush to any quick political fix.

We may have a different President after the election. He may appoint—and probably would—a national intelligence director who will be a different person from that whom the current President may appoint, should he be reelected. We ought not to do this in such a big hurry.

The Wall Street Journal continues:

We are contemplating the biggest change to our intelligence services since 1947, while we are fighting a war against a lethal enemy . . .

a war that in large measure has resulted from faulty intelligence.

Are we fixing that fault in this bill? Are we dealing with 9/11 in this bill without casting a watchful eye to the future, to Iraq? How about it?

That work should take some time—and beltway forbid, maybe even a little thought.

That is a quotation from the Wall Street Journal of the month of August.

The case for stopping and thinking for a moment grows even stronger when one reads U.S. Circuit Court Judge Richard Posner's critique of the 9/11 Commission's report in the New York Times Book Review. Judge Posner writes:

The enormous public relations effort that the commission orchestrated to win support for the report before it could be digested . . . invites criticism . . . [as does] the commissioners' misplaced, though successful, quest for unanimity. . . . The Commission's contention that our intelligence structure is unsound predisposed it to blame the structure for the failure of the 9/11 attacks, whether it did or not. And pressure for unanimity encourages just the kind of herd thinking now being blamed for that other recent intelligence failure—the belief that Saddam Hussein possessed weapons of mass destruction. . . . For all one knows, the price of unanimity was adopting recommendations that were the second choice [or maybe even the third or fourth choice] of many of the commission's members. . . .

The larger concern is not only that the Congress, in its rush to act, may botch the implementation of the 9/11 Commission's recommendation, but that those recommendations may not be as well-thought-out as the public relations campaign would have us believe.

We are so threatened by the politics surrounding the 9/11 Commission's report and the release of its recommendations prior to the Presidential election that we stand ready—stand, salute—to abdicate our constitutional responsibilities rather than to question or probe deeper into the potential flaws of the Commission's recommendations.

I say again it is the same kind of thinking that occurred prior to the vote on the war resolution with Iraq, the same mentality that led to the much regretted passage of the PATRIOT Act with only a single dissenting vote in this Chamber, and that led to the creation of a Homeland Security Department that now struggles with its mission to make Americans safer from terrorism.

I urge Senators, I plead with Senators, I beg Senators to consider carefully their vote on this amendment.

I am sure there are many Senators who have regretted and will regret to their dying day their decision to vote for the Iraq resolution that was passed by this body on October 11, 2002. I am sure many Senators have lived to regret that vote because we were being pressured: Hurry, hurry, hurry, get this vote behind us. We don't want to talk more about this. We want to talk about the economy. They will regret it. I have had Senators tell me they regret it.

I urge Senators to consider carefully their vote on this amendment. Also, consider this Constitution and the oath I have taken this many times to support and defend the Constitution of the United States. This Constitution provides for adequate oversight. It gives the Congress the power, the oversight.

This bill will, to a considerable extent, take away that power. I am not seeking to undermine the intelligence reforms proposed by the Governmental Affairs Committee. I seek only to ensure that the Congress retain its oversight functions in intelligence and national security matters. We owe it to the people who had faith and confidence in us and who sent us here.

We are not elected here, sent here, by any President of the United States. No President tapped me on the shoulder and said, go get him, boy, I am going to see that you get it. No President can do that. No President can tap me on the shoulder and say: Boy, you are gone; you won't be back after this election. No, no President can say that, thank God. No President is king in this country. Not here, no. We did not swear an oath to adopt any particular commission's report.

We should use our own best judgment in this case, and in doing that we will arrive at different signals, of course, but that is our responsibility. We owe it to the victims of the September 11 attack and their families to get these reforms straight and to take time to study and debate them. Why not take more time? It would be a sad legacy if the suffering of these victims of the September 11 attack, it would be a sad legacy if their suffering and loss resulted not in the strengthening but in the weakening of our national security and intelligence service, leaving more Americans vulnerable to a terrorist attack.

In summary, it is a critical mistake to hand to an unelected intelligence chief nearly unfettered budget transfer authority. We are handing off the ability to exercise oversight. When we do that, we cannot determine whether congressional intent for the people's tax dollars has been met. We will not know about transfers until some time, perhaps, after the fact. Millions of dollars—nay, billions of dollars—could be moved around at the discretion of one man, an unelected figure, with no one the wiser. Resources could be switched from one area of the world to another area of the globe at the discretion of one man. Secret operations could be funded without the prior knowledge of any Member of Congress at the discretion of one man. This is one-man rule. Intelligence could be manipulated by one man, with discretion concerning where to take away secret resources and where to add them.

Absolute power, Senators just heard, corrupts absolutely, and the United States is about to aid and abet that truism.

Senators, Republicans and Democrats, we will rue the day when, because of rushing and posturing and hurrying, we created a spy chief with such awesome power.

I ask unanimous consent to add the names of Senator LEAHY, Senator DORGAN, and Senator BURNS as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. May the record show that John Hamre is a former Deputy Defense Secretary and Robert Gates is a former CIA Director.

[From the New York Times, Oct. 3, 2004]

HOW THE WHITE HOUSE EMBRACED DISPUTED ARMS INTELLIGENCE

(By David Barstow, William J. Broad and Jeff Gerth)

In 2002, at a crucial juncture on the path to war, senior members of the Bush administration gave a series of speeches and interviews in which they asserted that Saddam Hussein was rebuilding his nuclear weapons program. Speaking to a group of Wyoming Republicans in September, Vice President Dick Cheney said the United States now had ''irrefutable evidence''—thousands of tubes made of high-strength aluminum, tubes that the Bush administration said were destined for clandestine Iraqi uranium centrifuges, before some were seized at the behest of the United States.

Those tubes became a critical exhibit in the administration's brief against Iraq. As the only physical evidence the United States could brandish of Mr. Hussein's revived nuclear ambitions, they gave credibility to the apocalyptic imagery invoked by President Bush and his advisers. The tubes were ''only really suited for nuclear weapons programs,'' Condoleezza Rice, the president's national security adviser, explained on CNN on Sept. 8, 2002. ''We don't want the smoking gun to be a mushroom cloud.''

But almost a year before, Ms. Rice's staff had been told that the government's foremost nuclear experts seriously doubted that

the tubes were for nuclear weapons, according to four officials at the Central Intelligence Agency and two senior administration officials, all of whom spoke on condition of anonymity. The experts, at the Energy Department, believed the tubes were likely intended for small artillery rockets.

The White House, though, embraced the disputed theory that the tubes were for nuclear centrifuges, an idea first championed in April 2001 by a junior analyst at the C.I.A. Senior nuclear scientists considered that notion implausible, yet in the months after 9/11, as the administration built a case for confronting Iraq, the centrifuge theory gained currency as it rose to the top of the government.

Senior administration officials repeatedly failed to fully disclose the contrary views of America's leading nuclear scientists, an examination by The New York Times has found. They sometimes overstated even the most dire intelligence assessments of the tubes, yet minimized or rejected the strong doubts of nuclear experts. They worried privately that the nuclear case was weak, but expressed sober certitude in public.

One result was a largely one-sided presentation to the public that did not convey the depth of evidence and argument against the administration's most tangible proof of a revived nuclear weapons program in Iraq.

Today, 18 months after invasion of Iraq, investigators there have found no evidence of hidden centrifuges or a revived nuclear weapons program. The absence of unconventional weapons in Iraq is now widely seen as evidence of a profound intelligence failure, of an intelligence community blinded by ''group think,'' false assumptions and unreliable human sources.

Yet the tale of the tubes, pieced together through records and interviews with senior intelligence officers, nuclear experts, administration officials and Congressional investigators, reveals a different failure.

Far from ''group think,'' American nuclear and intelligence experts argued bitterly over the tubes. A ''holy war'' is how one Congressional investigator described it. But if the opinions of the nuclear experts were seemingly disregarded at every turn, an overwhelming momentum gathered behind the C.I.A. assessment. It was a momentum built on a pattern of haste, secrecy, ambiguity, bureaucratic maneuver and a persistent failure in the Bush administration and among both Republicans and Democrats in Congress to ask hard questions.

Precisely how knowledge of the intelligence dispute traveled through the upper reaches of the administration is unclear. Ms. Rice knew about the debate before her Sept. 2002 CNN appearance, but only learned of the alternative rocket theory of the tubes soon afterward, according to two senior administration officials. President Bush learned of the debate at roughly the same time, a senior administration official said.

Last week, when asked about the tubes, administration officials said they relied on repeated assurances by George J. Tenet, then the director of central intelligence, that the tubes were in fact for centrifuges. They also noted that the intelligence community, including the Energy Department, largely agreed that Mr. Hussein has revived his nuclear program.

''These judgments sometimes require members of the intelligence community to make tough assessments about competing interpretations of facts,'' said Sean McCormack, a spokesman for the president.

Mr. Tenet declined to be interviewed. But in a statement, he said he ''made it clear'' to the White House ''that the case for a possible nuclear program in Iraq was weaker than that for chemical and biological weapons.'' Regarding the tubes, Mr. Tenet said ''alternative views were shared'' with the administration after the intelligence community drafted a new National Intelligence Estimate in late September 2002.

The tubes episode is a case study of the intersection between the politics of preemption and the inherent ambiguity of intelligence. The tubes represented a scientific puzzle and rival camps of experts clashed over the tiniest technical details in secure rooms in Washington, London and Vienna. The stakes were high, and they knew it.

So did a powerful vice president who saw in 9/11 horrifying confirmation of his long-held belief that the United States too often naively underestimates the cunning and ruthlessness of its foes.

''We have a tendency—I don't know if it's part of the American character—to say, 'Well sit down and we'll evaluate the evidence, we'll draw a conclusion,' '' Mr. Cheney said as he discussed the tubes in September 2002 on the NBC News program ''Meet the Press.''

''But we always think in terms that we've got all the evidence,'' he said. ''Here, we don't have all the evidence. We have 10 percent, 20 percent, 30 percent. We don't know how much. We know we have a part of the picture. And that part of the picture tells us that he is, in fact, actively and aggressively seeking to acquire nuclear weapons.''

JOE RAISES THE TUBE ISSUE

Throughout the 1990's, United States intelligence agencies were deeply preoccupied with the status of Iraq's nuclear weapons program, and with good reason.

After the Persian Gulf war in 1991, arms inspectors discovered that Iraq had been far closer to building an atomic bomb than even the worst-case estimates had envisioned. And no one believed that Saddam Hussein had abandoned his nuclear ambitions. To the contrary, in one secret assessment after another, the agencies concluded that Iraq was conducting low-level theoretical research and quietly plotting to resume work on nuclear weapons.

But at the start of the Bush administration, the intelligence agencies also agreed that Iraq had not in fact resumed its nuclear weapons program. Iraq's nuclear infrastructure, they concluded, had been dismantled by sanctions and inspections. In short, Mr. Hussein's nuclear ambitions appeared to have been contained.

Then Iraq started shopping for tubes.

According to a 511-page report on flawed prewar intelligence by the Senate Intelligence Committee, the agencies learned in early 2001 of a plan by Iraq to buy 60,000 high-strength aluminum tubes from Hong Kong.

The tubes were made from 7075–T6 aluminum, an extremely hard alloy that made them potentially suitable as rotors in a uranium centrifuge. Properly designed, such tubes are strong enough to spin at the terrific speeds needed to convert uranium gas into enriched uranium, an essential ingredient of an atomic bomb. For this reason, international rules prohibited Iraq from importing certain sizes of 7075–T6 aluminum tubes; it was also why a new C.I.A. analyst named Joe quickly sounded the alarm.

At the C.I.A.'s request, The Times agreed to use only Joe's first name; the agency said publishing his full name could hinder his ability to operate overseas.

Joe graduated from the University of Kentucky in the late 1970's with a bachelor's degree in mechanical engineering, then joined the Goodyear Atomic Corporation, which dispatched him to Oak Ridge, Tenn., a federal complex that specializes in uranium and national security research.

Joe went to work on a new generation of centrifuges. Many European models stood no more than 10 feet tall. The American centrifuges loomed 40 feet high, and Joe's job was to learn how to test and operate them. But when the project was canceled in 1985, Joe spent the next decade performing hazard analyses for nuclear reactors, gaseous diffusion plants and oil refineries.

In 1997, Joe transferred to a national security complex at Oak Ridge known as Y–12, his entry into intelligence work. His assignment was to track global sales of material used in nuclear arms. He retired after two years, taking a buyout with hundreds of others at Oak Ridge, and moved to the C.I.A.

The agency's ability to assess nuclear intelligence had markedly declined after the cold war, and Joe's appointment was part of an effort to regain lost expertise. He was assigned to a division eventually known as Winpac, for Weapons Intelligence, Nonproliferation and Arms Control. Winpac had hundreds of employees, but only a dozen or so with a technical background in nuclear arms and fuel production. None had Joe's hands-on experience operating centrifuges.

Suddenly, Joe's work was ending up in classified intelligence reports being read in the White House. Indeed, his analysis was the primary basis for one of the agency's first reports on the tubes, which went to senior members of the Bush administration on April 10, 2001. The tubes, the report asserted, ''have little use other than for a uranium enrichment program.''

This alarming assessment was immediately challenged by the Energy Department, which builds centrifuges and runs the government's nuclear weapons complex.

The next day, Energy Department officials ticked off a long list of reasons why the tubes did not appear well suited for centrifuges. Simply put, the analysis concluded that the tubes were the wrong size—too narrow, too heavy, too long—to be of much practical use in a centrifuge.

What was more, the analysis reasoned, if the tubes were part of a secret, high-risk venture to build a nuclear bomb, why were the Iraqis haggling over prices with suppliers all around the world? And why weren't they shopping for all the other sensitive equipment needed for centrifuges?

All fine questions. But if the tubes were not for a centrifuge, what were they for?

Within weeks, the Energy Department experts had an answer.

It turned out, they reported, that Iraq had for years used high-strength aluminum tubes to make combustion chambers for slim rockets fired from launcher pods. Back in 1996, inspectors from the International Atomic Energy Agency had even examined some of those tubes, also made of 7075–T6 aluminum, at a military complex, the Nasser metal fabrication plant in Baghdad, where the Iraqis acknowledged making rockets. According to the international agency, the rocket tubes, some 66,000 of them, were 900 millimeters in length, with a diameter of 81 millimeters and walls 3.3 millimeters thick.

The tubes now sought by Iraq had precisely the same dimensions—a perfect match.

That finding was published May 9, 2001, in the Daily Intelligence Highlight, a secret Energy Department newsletter published on Intelink, a Web site for the intelligence community and the White House.

Joe and his Winpac colleagues at the C.I.A. were not persuaded. Yes, they conceded, the tubes could be used as rocket casings. But that made no sense, they argued in a new report, because Iraq wanted tubes made at tolerances that ''far exceed any known conventional weapons.'' In other words, Iraq was demanding a level of precision craftsmanship unnecessary for ordinary mass-produced rockets.

More to the point, those analysts had hit on a competing theory; that the tubes' dimensions matched those used in an early uranium centrifuge developed in the 1950's by a German scientist, Gernot Zippe. Most centrifuge designs are highly classified; this one, though, was readily available in science reports.

Thus, well before Sept. 11, 2001, the debate within the intelligence community was already neatly framed: Were the tubes for rockets or centrifuges?

EXPERTS ATTACK JOE'S CASE

It was a simple question with enormous implications. If Mr. Hussein acquired nuclear weapons, American officials feared, he would wield them to menace the Middle East. So the tube question was critical, yet none too easy to answer. The United States had few spies in Iraq, and certainly none who knew Mr. Hussein's plans for the tubes.

But the tubes themselves could yield many secrets. A centrifuge is an intricate device. Not any old tube would do. Carefully inquiry might answer the question.

The intelligence community embarked on an ambitious international operation to intercept the tubes before they could get to Iraq. The big break came in June 2001; a shipment was seized in Jordan.

At the Energy Department, those examining the tubes included scientists who had spent decades designing and working on centrifuges, and intelligence officers steeped in the tricky business of tracking the nuclear ambitions of America's enemies. They included Dr. Jon A. Kreykes, head of Oak Ridge's national security advanced technology group; Dr. Duane F. Starr, an expert on nuclear proliferation threats; and Dr. Edward Von Halle, a retired Oak Ridge nuclear expert, Dr. Houston G. Wood III, a professor of engineering at the University of Virginia who had helped design the 40-foot American centrifuge, advised the team and consulted with Dr. Zippe.

On questions about nuclear centrifuges, this was unambiguously the A–Team of the intelligence community, many experts say.

On Aug. 17, 2001, weeks before the twin towers fell, the team published a secret Technical Intelligence Note, a detailed analysis that laid out its doubts about the tubes' suitability for centrifuges.

First, in size and material, the tubes were very different from those Iraq had used in its centrifuge prototypes before the first gulf war. Those models used tubes that were nearly twice as wide and made of exotic materials that performed far better than aluminum. ''Aluminum was a huge step backwards,'' Dr. Wood recalled.

In fact, the team could find no centrifuge machines ''deployed in a production environment'' that used such narrow tubes. Their walls were three times too thick for ''favorable use'' in a centrifuge, the team wrote. They were also anodized, meaning they had a special coating to protect them from weather. Anodized tubes, the team pointed out, are ''not consistent'' with a uranium centrifuge because the coating can produce bad reactions with uranium gas.

In other words, if Joe and his Winpac colleagues were right, it meant that Iraq had chosen to forsake years of promising centrifuge work and instead start from scratch, with inferior material built to less-than-optimal dimensions.

The Energy Department experts did not think that made much sense. They concluded that using the tubes in centrifuges ''is credible but unlikely, and a rocket production is the much more likely end use for these tubes.'' Similar conclusions were being reached by Britain's intelligence service and experts at the International Atomic Energy Agency, a United Nations body.

Unlike Joe, experts at the international agency had worked with Zippe centrifuges, and they spent hours with him explaining why they believed his analysis was flawed. They pointed out errors in his calculations. They noted design discrepancies. They also sent reports challenging the centrifuge claim to American government experts through the embassy in Vienna, a senior official said.

Likewise, Britain's experts believe the tubes would need ''substantial re-engineering'' to work in centrifuges, according to Britain's review of its prewar intelligence. Their experts found it ''paradoxical'' that Iraq would order such finely crafted tubes only to radically rebuild each one for a centrifuge. Yes, it was theoretically possible, but an Energy Department analyst later told Senate investigators, it was also theoretically possible to ''turn your new Yugo into a Cadillac.''

In late 2001, intelligence analysts at the State Department also took issue with Joe's work in reports prepared for Secretary of State Colin Powell. Joe was ''very convinced, but not very convincing,'' recalled Greg Thielmann, then director of strategic, proliferation and military affairs in the Bureau of Intelligence and Research.

By year's end, Energy Department analysts published a classified report that even more firmly rejected the theory that the tubes could work as rotors in a 1950's Zippe centrifuge. These particular Zippe centrifuges, they noted, were especially ill suited for bomb making. The machines were a prototype designed for laboratory experiments and mean to be operated as single units. To produce enough enriched uranium to make just one bomb a year, Iraq would need up to 16,000 of them working in concert, a challenge for even the most sophisticated centrifuge plants.

Iraq had never made more than dozen centrifuge prototypes. Half failed when rotors broke. Of the rest, one actually worked to enrich uranium, Dr. Mahdi Obeidi, who once ran Iraq's centrifuge program, said in an interview last week.

The Energy Department team concluded it was ''unlikely that anyone'' could build a centrifuge site capable of producing significant amounts of enriched uranium ''based on these tubes.'' One analyst summed it up this way: the tubes were so poorly suited for centrifuges, he told Senate investigators, that if Iraq truly wanted to use them this way, ''we should just give them the tubes.''

ENTER CHENEY

In the months after Sept. 11, 2001, as the Bush administration devised a strategy to fight Al Qaeda, Vice President Cheney immersed himself in the world of top-secret threat assessments. Bob Woodward, in his book ''Plan of Attack,'' described Mr. Cheney as the administration's new ''self-appointed special examiner of worst-case scenarios,'' and it was a role that fit.

Mr. Cheney had grappled with national security threats for three decades, first as President Gerald R. Ford's chief of staff, later as secretary of defense for the first President Bush. He was on intimate terms with the intelligence community, 15 spy agencies that frequently feuded over the significance of raw intelligence. He knew well their record of getting it wrong (the Bay of Pigs) and underestimating threats (Mr. Hussein's pre-1991 nuclear program) and failing to connect the dots (Sept. 11).

As a result, the vice president was not simply a passive recipient of intelligence analysis. He was known as a man who asked hard, skeptical questions, a man who paid attention to detail. ''In my office I have a picture of John Adams, the first vice president,'' Mr Cheney said in one of his first speeches as vice president. ''Adams like to say, 'The facts are stubborn things.' Whatever the issue, we are going to deal with facts and show a decent regard for other points of view.''

With the Taliban routed in Afghanistan after Sept. 11, Mr. Cheney and his aides began to focus on intelligence assessments of Saddam Hussein. Mr. Cheney had long argued for more forceful action to topple Mr. Hussein. But in January 2002, according to Mr. Woodward's book, the C.I.A. told Mr. Cheney that Mr. Hussein could not be removed with covert action alone. His ouster, the agency said, would take an invasion, which would require persuading the public that Iraq posted a threat to the United States.

The evidence for that case was buried in classified intelligence files. Mr. Cheney and his aides began to meet repeatedly with analysts who specialized in Iraq and unconventional weapons. They wanted to know about any Iraqi ties to Al Qaeda and Baghdad's ability to make unconventional weapons.

''There's no question they had a point of view, but there was no attempt to get us to hew to a particular point of view ourselves, or to come to a certain conclusion,'' the deputy director of analysis at Winpac told the Senate Intelligence Committee. ''It was trying to figure out, why do we come to this conclusion, what was the evidence. A lot of questions were asked, probing questions.''

Of all the worst-case possibilities, the most terrifying was the idea that Mr. Hussein might slip a nuclear weapon to terrorists, and Mr. Cheney and his staff zeroed in on Mr. Hussein's nuclear ambitions.

Mr. Cheney, for example, read a Feb. 12, 2002, report from the Defense Intelligence Agency about Iraq's reported attempts to buy 500 tons of yellowcake, a uranium concentrate, from Niger, according to the Senate Intelligence Committee report. Many American intelligence analysts did not put much stock in the Niger report. Mr. Cheney pressed for more information.

At the same time, a senor intelligence official said, the agency was fielding repeated requests from Mr. Cheney's office for intelligence about the tubes, including updates on Iraq's continuing efforts to procure thousands more after the seizure in Jordan.

''Remember,'' Dr. David A. Kay, the chief American arms inspector after the war, said in an interview, ''the tubes were the only piece of physical evidence about the Iraqi weapons programs that they had.''

In March 2002, Mr. Cheney traveled to Europe and the Middle East to build support for a confrontation with Iraq. It is not known whether he mentioned Niger or the tubes in his meetings. But on his return, he made it clear that he had repeatedly discussed Mr. Hussein and the nuclear threat.

''He is actively pursuing nuclear weapons at this time,'' Mr. Cheney asserted on CNN.

At the time, the C.I.A. had not reached so firm a conclusion. But on March 12, the day Mr. Cheney landed in the Middle East, he and other senior administration officials had been sent two C.I.A. reports about the tubes. Each cited the tubes as evidence that ''Iraq currently may be trying to reconstitute its gas centrifuge program.''

Neither report, however, mentioned that leading centrifuge experts at the Energy Department strongly disagreed, according to Congressional officials who have read the reports.

WHAT WHITE HOUSE IS TOLD

As the Senate Intelligence Committee report made clear, the American intelligence community ''is not a level playing field when it comes to the competition of ideas in intelligence analysis.''

The C.I.A. has a distinct edge: ''unique access to policy makers and unique control of intelligence reporting,'' the report found. The Presidential Daily Briefs, for example, are prepared and presented by agency analysts; the agency's director is the president's principal intelligence adviser. This allows agency analysts to control the presentation of information to policy makers ''without having to explain dissenting views or defend their analysis from potential challenges,'' the committee's report said.

This problem, the report said, was ''particularly evident'' with the C.I.A.'s analysis of the tubes, when agency analysts ''lost objectivity and in several cases took action that improperly excluded useful expertise from the intelligence debate.'' In interviews, Senate investigators said the agency's written assessments did a poor job of describing the debate over the intelligence.

From April 2001 to September 2002, the agency wrote at least 15 reports on the tubes. Many were sent only to high-level policy makers, including President Bush, and did not circulate to other intelligence agencies. None have been released, though some were described in the Senate's report.

Several senior C.I.A. officials insisted that those reports did describe at least in general terms the intelligence debate. ''You don't go into all that detail but you do try to evince it when you write your current product,'' one agency official said.

But several Congressional and intelligence officials with access to the 15 assessments said not one of them informed senior policy makers of the Energy Department's dissent. They described a series of reports, some with ominous titles, that failed to convey either the existence or the substance of the intensifying debate.

Over and over, the reports restated Joe's main conclusions for the C.I.A.—that the tubes matched the 1950's Zippe centrifuge design and were built to specifications that ''exceeded any known conventional weapons application.'' They did not state what Energy Department experts had noted—that many common industrial items, even aluminum cans, were made to specifications as good or better than the tubes sought by Iraq. Nor did the reports acknowledge a significant error in Joe's claim—that the tubes ''matched'' those used in a Zippe centrifuge.

The tubes sought by Iraq had a wall thickness of 3.3 millimeters. When Energy Department experts checked with Dr. Zippe, a step Joe did not take, they learned that the walls of Zippe tubes did not exceed 1.1 millimeters, a substantial difference.

''They never lay out the other case,'' one Congressional official said of those C.I.A. assessments.

The Senate report provides only a partial picture of the agency's communications with the White House. In an arrangement endorsed by both parties, the Intelligence Committee agreed to delay an examination of whether White House descriptions of Iraq's military capabilities were ''substantiated by intelligence information.'' As a result, Senate investigators were not permitted to interview White House officials about what they knew of the tubes debate and when they knew it.

But in interviews, C.I.A. and administration officials disclosed that the dissenting views were repeatedly discussed in meetings and telephone calls.

One senior official at the agency said its ''fundamental approach'' was to tell policy makers about dissenting views. Another senior official acknowledged that some of their agency's reports ''weren't as well caveated as, in retrospect, they should have been.'' But he added, ''There was certainly nothing that was hidden.''

Four agency officials insisted that Winpac analysts repeatedly explained the contrasting assessments during briefings with senior National Security Council officials who dealt with nuclear proliferation issues. ''We think we were reasonably clear about this,'' a senior C.I.A. official said.

A senior administration official confirmed that Winpac was indeed candid about the differing views. The official, who recalled at least a half dozen C.I.A. briefings on tubes, said he knew by late 2001 that there were differing views on the tubes. ''To the best of my knowledge, he never hid anything from me,'' the official said of his counterpart at Winpac.

This official said he also spoke to senior officials at the Department of Energy about the tubes, and a spokeswoman for the department said in a written statement that the agency ''strongly conveyed its viewpoint to senior policy makers.''

But if senior White House officials understood the department's main arguments against the tubes, they also took into account its caveats. ''As for as I know,'' the senior administration official said, ''D.O.E. never concluded that these tubes could not be used for centrifuges.''

A REFEREE IS IGNORED

Over the summer of 2002, the White House secretly refined plans to invade Iraq and debated whether to seek more United Nations inspections. At the same time, in response to a White House request in May, C.I.A. officials were quietly working on a report that would lay out for the public declassified evidence of Iraq's reported unconventional weapons and ties to terror groups.

That same summer the tubes debate continued to rage. The primary antagonists were the C.I.A. and the Energy Department, with other intelligence agencies drawn in on either side.

Much of the strife centered on Joe. At first glance, he seem an unlikely target. He held a relatively junior position, and according to the C.I.A. he did not write the vast majority of the agency's reports on the tubes. He has never met Mr. Cheney. His one trip to the White House was to take his family on the public tour.

But he was, as one staff member on the Senate Intelligence Committee put it, ''the ringleader'' of a small group of Winpac analysts who were convinced that the tubes were destined for centrifuges. His views carried special force within the agency because he was the only Winpac analyst with experience operating uranium centrifuges. In meetings with other intelligence agencies, he often took the lead in arguing the technical basis for the agency's conclusions.

''Very few people have the technical knowledge to independently arrive at the conclusion he did,'' said Dr. Kay, the weapons inspector, when asked to explain Joe's influence.

Without identifying him, the Senate Intelligence Committee's report repeatedly questioned Joe's competence and integrity. It portrayed him so determined to prove his theory that he twisted test results, ignored factual discrepancies and excluded dissenting views.

The Senate report, for example, challenged his decision not to consult the Energy Department on tests designed to see if the tubes were strong enough for centrifuges. Asked why he did not seek their help, Joe told the committee: ''Because we funded it. It was our testing. We were trying to prove some things that we wanted to prove with the testing.'' The Senate report singled out that comment for special criticism, saying, ''The committee believes that such an effort should never have been intended to prove what the C.I.A. wanted to prove.''

Joe's superiors strongly defend his work and say his words were taken out of context. They describe him as diligent and professional, an open-minded analyst willing to go the extra mile to test his theories. ''Part of the job of being an analyst is to evaluate alternative hypotheses and possibilities, to build a case, think of alternatives,'' a senior agency official said. ''That's what Joe did in this case. If he turned out to be wrong, that's not an offense. He was expected to be wrong occasionally.''

Still, the bureaucratic infighting was by then so widely known that even the Australian government was aware of it. ''U.S. agencies differ on whether aluminum tubes, a dual-use item sought by Iraq, were meant for gas centrifuges,'' Australia's intelligence services wrote in a July 2002 assessment. The same report said the tubes evidence was ''patchy and inconclusive.''

There was a mechanism, however, to resolve the dispute. It was called the Joint Atomic Energy Intelligence Committee, a secret body of experts drawn from across the federal government. For a half century, Jaeic (pronounced jake) has been called on to resolve disputes and give authoritative assessments about nuclear intelligence. The committee had specifically assessed the Iraqi nuclear threat in 1989, 1997 and 1999. An Energy Department expert was the committee's chairman in 2002, and some department officials say the C.I.A. opposed calling in Jaeic to mediate the tubes fight.

Not so, agency officials said. In July 2002, they insist, they were the first intelligence agency to seek Jaeic's intervention. ''I personally was concerned about the extent of the community's disagreement on this and the fact that we weren't getting very far,'' a senior agency official recalled.

The committee held a formal session in early August to discuss the debate, with more than a dozen experts on both sides in attendance. A second meeting was scheduled for later in August but was postponed. A third meeting was set for early September; it never happened either.

''We were O.B.E.—overcome by events,'' an official involved in the proceedings recalled.

WHITE HOUSE MAKES A MOVE

''The case of Saddam Hussein, a sworn enemy of our country, requires a candid appraisal of the facts,'' Mr. Cheney said on Aug. 26, 2002, at the outset of an address to the Veterans of Foreign Wars national convention in Nashville.

Warning against ''wishful thinking or willful blindness,'' Mr. Cheney used the speech to lay out a rationale for pre-emptive action against Iraq. Simply resuming United Nations inspections, he argued, could give ''false comfort'' that Mr. Hussein was contained.

''We now know Saddam has resumed his efforts to acquire nuclear weapons,'' he declared, words that quickly made headlines worldwide. ''Many of us are convinced that Saddam will acquire nuclear weapons fairly soon. Just how soon, we cannot really gauge. Intelligence is an uncertain business, even in the best of circumstances.''

But the world, Mr. Cheney warned, could ill afford to once again underestimate Iraq's progress.

''Armed with an arsenal of these weapons of terror, and seated atop 10 percent of the world's oil reserves, Saddam Hussein could then be expected to seek domination of the entire Middle East, take control of a great portion of the world's energy supplies, directly threaten America's friends throughout the region, and subject the United States or any other nation to nuclear blackmail.''

A week later President Bush announced that he would ask Congress for authorization

to oust Mr. Hussein. He also met that day with senior members of the House and Senate, some of whom expressed concern that the administration had yet to show the American people tangible evidence of an imminent threat. The fact that Mr. Hussein gassed his own people in the 1980's, they argued, was not sufficient evidence of a threat to the United States in 2002.

President Bush got the message. He directed Mr. Cheney to give the public and Congress a more complete picture of the latest intelligence on Iraq.

In his Nashville speech, Mr. Cheney had not mentioned the aluminum tubes or any other fresh intelligence when he said, ''We now know that Saddam has resumed his efforts to acquire nuclear weapons.'' The one specific source he did cite was Hussein Kamel al-Majid, a son-in-law of Mr. Hussein's who defected in 1994 after running Iraq's chemical, biological and nuclear weapons programs. But Mr. Majid told American intelligence officials in 1995 that Iraq's nuclear program had been dismantled. What's more, Mr. Majid could not have had any insight into Mr. Hussein's current nuclear activities: he was assassinated in 1996 on his return to Iraq.

The day after President Bush announced he was seeking Congressional authorization, Mr. Cheney and Mr. Tenet, the director of central intelligence, traveled to Capitol Hill to brief the four top Congressional leaders. After the 90-minute session, J. Dennis Hastert, the House speaker, told Fox News that Mr. Cheney had provided new information about unconventional weapons, and Fox went on to report that one source said the new intelligence described ''just how dangerously close Saddam Hussein has come to developing a nuclear bomb.''

Tom Daschle, the South Dakota Democrat and Senate majority leader, was more cautious. ''What has changed over the course of the last 10 years, that brings this country to the belief that it has to act in a pre-emptive fashion in invading Iraq?'' he asked.

A few days later, on Sept. 8., the lead article on Page 1 of The New York Times gave the first detailed account of the aluminum tubes. The article cited unidentified senior administration officials who insisted that the dimensions, specifications and numbers of tubes sought showed that they were intended for a nuclear weapons program.

''The closer he gets to a nuclear capability, the more credible is his threat to use chemical and biological weapons,'' a senior administration official was quoted as saying. ''Nuclear weapons are his hole card.''

The article gave no hint of a debate over the tubes.

The White House did much to increase the impact of The Times' article. The morning it was published, Mr. Cheney went on the NBC News program ''Meet the Press'' and confirmed when asked that the tubes were the most alarming evidence behind the administration's view that Iraq had resumed its nuclear weapons program. The tubes, he said, had ''raised our level of concern.'' Ms. Rice, the national security adviser, went on CNN and said the tubes ''are only really suited for nuclear weapons programs.''

Neither official mentioned that the nation's top nuclear design experts believed overwhelmingly that the tubes were poorly suited for centrifuges.

Mr. Cheney, who has a history of criticizing officials who disclose sensitive information, typically refuses to comment when asked about secret intelligence. Yet on this day, with a Gallup poll showing that 58 percent of Americans did not believe President Bush had done enough to explain why the United States should act against Iraq, Mr. Cheney spoke openly about one of the closest held secrets regarding Iraq. Not only did Mr. Cheney draw attention to the tubes; he did so with a certitude that could not be found in even the C.I.A.'s assessments. On ''Meet the Press,'' Mr. Cheney said he knew ''for sure'' and ''in fact'' and ''with absolute certainty'' that Mr. Hussein was buying equipment to build a nuclear weapon.

''He has reconstituted his nuclear program,'' Mr. Cheney said flatly.

But in the C.I.A. reports, evidence ''suggested'' or ''could mean'' or ''indicates''—a word used in a report issued just weeks earlier. Little if anything was asserted with absolute certainty. The intelligence community had not yet concluded that Iraq had indeed reconstituted its nuclear program.

''The vice president's public statements have reflected the evolving judgment of the intelligence community,'' Kevin Kellems, Mr. Cheney's spokesman, said in a written statement.

The C.I.A. routinely checks presidential speeches that draw on intelligence reports. This is how intelligence professionals pull politicians back from factual errors. One such opportunity came soon after Mr. Cheney's appearance on ''Meet the Press.'' On Sept. 11, 2002, the White House asked the agency to clear for possible presidential use a passage on Iraq's nuclear program. The passage included this sentence: ''Iraq has made several attempts to buy high-strength aluminum tubes used in centrifuges to enrich uranium for nuclear weapons.''

The agency did not ask speechwriters to make clear that centrifuges were but one possible use, that intelligence experts were divided and that the tubes also matched those used in Iraqi rockets. In fact, according to the Senate's investigation, the agency suggested no changes at all.

The next day President Bush used virtually identical language when he cited the aluminum tubes in an address to the United Nations General Assembly.

DISSENT, BUT TO LITTLE EFFECT

The administration's talk of clandestine centrifuges, nuclear blackmail and mushroom clouds had a powerful political effect, particularly on senators who were facing fall election campaigns. ''When you hear about nuclear weapons, this is the national security knock-out punch,'' said Senator Ron Wyden, a Democrat from Oregon who sits on the Intelligence Committee and ultimately voted against authorizing war.

Even so, it did not take long for questions to surface over the administration's claims about Mr. Hussein's nuclear capabilities. As it happened, Senator Dianne Feinstein, another Democratic member of the Intelligence Committee, had visited the International Atomic Energy Agency in Vienna in August 2002. Officials there, she later recalled, told her they saw no signs of a revived nuclear weapons program in Iraq.

At that point, the tubes debate was in its 16th month. Yet Mr. Tenet, of the C.I.A., the man most responsible for briefing President Bush on intelligence, told the committee that he was unaware until that September of the profound disagreement over critical evidence that Mr. Bush was citing to world leaders as justification for war.

Even now, committee members from both parties express baffled anger at this possibility. How could he not know? ''I don't even understand it,'' Olympia Snowe, a Republican senator from Maine, said in an interview. ''I cannot comprehend the failures in judgment or breakdowns in communication.''

Mr. Tenet told Senate investigators that he did not expect to learn of dissenting opinions ''until the issue gets joined'' at the highest levels of the intelligence community. But if Mr. Tenet's lack of knowledge meant the president was given incomplete information about the tubes, there was still plenty of time for the White House to become fully informed.

Yet so far, Senate investigators say, they have found little evidence the White House tried to find out why so many experts disputed the C.I.A. tubes theory. If anything, administration officials minimized the divide.

On Sept. 13, The Times made the first public mention of the tubes debate in the sixth paragraph of an article on Page A13. In it an unidentified senior administration official dismissed the debate as a ''footnote, not a split.'' Citing another unidentified administration official, the story reported that the ''best technical experts and nuclear scientists at laboratories like Oak Ridge supported the C.I.A. assessments.''

As a senior Oak Ridge official pointed out to the Intelligence Committee, ''the vast majority of scientists and nuclear experts'' in the Energy Department's laboratories in fact disagreed with the agency. But on Sept. 13, the day the article appeared, the Energy Department sent a directive forbidding employees from discussing the subject with reporters.

The Energy Department, in a written statement, said that it was ''completely appropriate'' to remind employees of the need to protect nuclear secrets and that it had made no effort ''to quash dissent.''

It closed hearings that month, Congress began to hear testimony about the debate. Several Democrats said in interviews that secrecy rules had prevented them from speaking out about the gap between the administration's view of the tubes and the more benign explanations described in classified testimony.

One senior C.I.A. official recalled cautioning members of Congress in a closed session not to speak publicly about the possibility that the tubes were for rockets. ''If people start talking about that and the Iraqis see that people are saying rocket bodies, that will automatically become their explanation whenever anyone goes to Iraq,'' the official said in an interview.

So while administration officials spoke freely about the agency's theory, the evidence that best challenged this view remained almost entirely off limits for public debate.

In late September, the C.I.A. sent policymakers its most detailed report on the tubes. For the first time, an agency report acknowledged that ''some in the intelligence community'' believed rocket were ''more likely end uses'' for the tubes, according to officials who have seen the report.

Meanwhile, at the Energy Department, scientists were startled to find senior White House officials embracing a view of the tubes they considered thoroughly discredited. ''I was really shocked in 2002 when I saw it was still there,'' Dr. Wood, the Oak Ridge adviser, said of the centrifuge claim. ''I thought it had been put to bed.''

Members of the Energy Department team took a highly unusual step: They began working quietly with a Washington arms-control group, the Institute for Science and International Security, to help the group inform the public about the debate, said one team member and the group's president, David Albright.

On Sept. 23, the institute issued the first in series of lengthy reports that repeated some of the Energy Department's arguments against the C.I.A. analysis, though no classified ones. Still, after more than 16 months of secret debate, it was the first public airing of facts that undermined the most alarming suggestions about Iraq's nuclear threat.

The reports got little attention, partly because reporters did not realize they had been done with the cooperation of top Energy Department experts. The Washington Post ran a brief article about the findings on Page A18. Many major newspapers, including The Times, ran nothing at all.

SCRAMBLING FOR AN ''ESTIMATE''

Soon after Mr. Cheney's appearance on ''Meet Press,'' Democratic senators began pressing for a new National Intelligence Estimate on Iraq, terrorism and unconventional weapons. A National Intelligence Estimate is a classified document that is supposed to reflect the combined judgment of the entire intelligence community. The last such estimate had been done in 2000.

Most estimates take months to complete. But this one had to be done in days, in time for an October vote on a war resolution. There was little time for review or reflection, and no time for Jaeic, the joint committee, to reconcile deep analytical differences.

This was a potentially thorny obstacle for those writing the nuclear section: What do you do when the nation's nuclear experts strongly doubt the linchpin evidence behind the C.I.A.'s claims that Iraq was rebuilding its nuclear weapons program?

The Energy Department helped solve the problem. In meetings on the estimate, senior department intelligence officials said that while they still did not believe the tubes were for centrifuges, they nonetheless could agree that Iraq was reconstituting its nuclear weapons capability.

Several senior scientists inside the department said they were stunned by that stance; they saw no compelling evidence of a revived nuclear program.

Some laboratory officials blamed time pressure and inexperience. Thomas S. Ryder, the department's representative at the meetings, had been acting director of the department's intelligence unit for only five months. ''A heck of a nice guy but not savvy on technical issues,'' is the way one senior nuclear official described Mr. Ryder, who declined comment.

Mr. Ryder's position was more alarming than prior assessments from the Energy Department. In an August 2001 intelligence paper, department analysts warned of suspicious activities in Iraq that ''could be preliminary steps'' toward reviving a centrifuge program. In July 2002 an Energy Department report, ''Nuclear Reconstitution Efforts Underway?'', noted that several developments, including Iraq's suspected bid to buy yellowcake uranium from Niger, suggested Baghdad was ''seeking to reconstitute'' a nuclear weapons program.

According to intelligence officials who took part in the meetings, Mr. Ryder justified his department's now firm position on nuclear reconstitution in large part by citing the Niger reports. Many C.I.A. analysts considered that intelligence suspect, as did analysts at the State Department.

Nevertheless, the estimate's authors seized on the Energy Department's position to avoid the entire tubes debate, with written dissents relegated to a 10-page annex. The estimate would instead emphasize that the C.I.A. and the Energy Department both agreed that Mr. Hussein was rebuilding his nuclear weapons program. Only the closest reader would see that each agency was basing its assessment in large measure on evidence the other considered suspect.

On Oct. 2, nine days before the Senate vote on the war resolution, the new National Intelligence Estimate was delivered to the Intelligence Committee. The most significant change from past estimates dealt with nuclear weapons; the new one agreed with Mr. Cheney that Iraq was in aggressive pursuit of the atomic bomb.

Asked when Mr. Cheney became aware of the disagreements over the tubes, Mr. Kellems, his spokesman, said, ''The vice president knew about the debate at about the time of the National Intelligence Estimated.''

Today, the Intelligence Committee's report makes clear, that 93-page estimate stands as one of the most flawed documents in the history of American intelligence. The committee concluded unanimously that most of the major findings in the estimate were wrong, unfounded or overblown.

This was especially true of the nuclear section.

Estimates express their most important findings with high, moderate or low confidence levels. This one claimed ''moderate confidence'' on how fast Iraq could have a bomb, but ''high confidence'' that Baghdad was rebuilding its nuclear program. And the tubes were the leading and most detailed evidence cited in the body of the report.

According to the committee, the passages on the tubes, which adopted much of the C.I.A. analysis, were misleading and riddled with factual errors.

The estimate, for example, included a chart intended to show that the dimensions of the tubes closely matched a Zippe centrifuge. Yet the chart omitted the dimensions of Iraq's 81-millimeter rocket, which precisely matched the tubes.

The estimate cited Iraq's alleged willingness to pay top dollar for the tubes, up to $17.50 each, as evidence they were for secret centrifuges. But Defense Department rocket engineers told Senate investigators that 7075–T6 aluminum is ''the material of choice for low-cost rocket systems.''

The estimate also asserted that 7075–T6 tubes were ''poor choices'' for rockets. In fact, similar tubes were used in rockets from several countries, including the United States, and in an Italian rocket, the Medusa, which Iraq had copied.

Beyond tubes, the estimate cited several other ''key judgments'' that supported its assessment. The committee found that intelligence just as flawed.

The estimate, for example, pointed to Iraq's purchases of magnets, balancing machines and machine tools, all of which could be used in a nuclear program. But each item also had legitimate non-nuclear uses, and there was no credible intelligence whatsoever showing they were for a nuclear program.

The estimate said Iraq's Atomic Energy Commission was building new production facilities for nuclear weapons. The Senate found that claim was based on a single operative's report, which described how the commission had constructed one headquarters building and planned ''a new high-level polytechnic school.''

Finally, the estimate stated that many nuclear scientists had been reassigned to the A.E.C. The Senate found nothing to back that conclusion. It did, though, discover a 2001 report in which a commission employee complained that Iraq's nuclear program ''had been stalled since the gulf war.''

Such ''key judgments'' are supposed to reflect the very best American intelligence. (The Niger intelligence, for example, was considered too shaky to be included as a key judgment.) Yet as they studied raw intelligence reports, those involved in the Senate investigation came to a sickening realization. ''We kept looking at the intelligence and saying, 'My God, there's nothing here,''' one official recalled.

THE VOTE FOR WAR

Soon after the National Intelligence Estimate was completed, Mr. Bush delivered a speech in Cincinnati in which he described the ''grave threat'' that Iraq and its ''arsenal of terror'' posed to the United States. He dwelled longest on nuclear weapons, reviewing much of the evidence outlined in the estimate. The C.I.A. had warned him away from mentioning Niger.

''Facing clear evidence of peril,'' the president concluded, ''we cannot wait for the final proof—the smoking gun—that could come in the form of a mushroom cloud.''

Four days later, on Oct. 11, the Senate voted 77–23 to give Mr. Bush broad authority to invade Iraq. The resolution stated that Iraq posed ''a continuing threat'' to the United States by, among other things, ''actively seeking a nuclear weapons capability.''

Many Senators who voted for the resolution emphasized the nuclear threat.

''The great danger is a nuclear one,'' Senator Feinstein, the California Democrat, said on the Senate floor.

But Senator Bob Graham, then chairman of the Intelligence Committee, said he voted against the resolution in part because of doubts about the tubes. ''It reinforced in my mind pre-existing questions I had about the unreliability of the intelligence community, especially the C.I.A.,'' Mr. Graham, a Florida Democrat, said in an interview.

At the Democratic convention in Boston this summer, Senator John Kerry pledged that should he be elected president, ''I will ask hard questions and demand hard evidence.'' But in October 2002, when the Senate voted on Iraq, Mr. Kerry had not read the National Intelligence Estimate, but instead had relied on briefing from Mr. Tenet, a spokeswoman said. ''According to the C.I.A.'s report, all U.S. intelligence experts agree that Iraq is seeking nuclear weapons,'' Mr. Kerry said then, explaining his vote. ''There is little question that Saddam Hussein wants to develop nuclear weapons.''

The report cited by Mr. Kerry, an unclassified white paper, said nothing about the tubes debate except that ''some'' analysts believed the tubes were ''probably intended'' for conventional arms.

''It is common knowledge that Congress does not have the same access as the executive branch,'' Brooke Anderson, a Kerry spokeswoman, said yesterday.

Mr. Kerry's running mate, Senator John Edwards, severed on the Intelligence Committee, which gave him ample opportunity to ask hard questions. But in voting to authorize war, Mr. Edwards expressed no uncertainty about the principal evidence of Mr. Hussein's alleged nuclear program.

''We know that he is doing everything he can to build nuclear weapons,'' Mr. Edwards said then.

On Dec. 7, 2002, Iraq submitted a 12,200-page declaration about unconventional arms to the United Nations that made no mention of the tubes. Soon after, Winpac analysts at the C.I.A. assessed the declaration for President Bush. The analysts criticized Iraq for failing to acknowledge or explain why it sought tubes ''we believe suitable for use in a gas centrifuge uranium effort.'' Nor, they said, did it ''acknowledge efforts to procure uranium from Niger.''

Neither Energy Department nor State Department intelligence experts were given a chance to review the Winpac assessment, prompting complaints that dissenting views were being withheld from policy makers.

''It is most disturbing that Winpac is essentially directing foreign policy in this matter,'' one Energy Department official wrote in an e-mail message. ''There are some very strong points to be made in respect to Iraq's arrogant noncompliance with U.N. sanctions. However, when individuals attempt to convert those 'strong statements'

into the 'knock-out' punch, the administration will ultimately look foolish—i.e., the tubes and Niger!''

THE U.N. INSPECTORS RETURN

For nearly two years Western intelligence analysts had been trying to divine from afar Iraq's plans for the tubes. At the end of 2002, with the resumption of United Nations arms inspectors, it became possible to seek answers inside Iraq. Inspectors from the International Atomic Energy Agency immediately zeroed in on the tubes.

The team quickly arranged a field trip to the Nasser metal fabrication factory, where they found 13,000 completed rockets, all produced from 7075–T6 aluminum tubes. The Iraqi rocket engineers explained that they had been shopping for more tubes because their supply was running low.

Why order tubes with such tight tolerances? An Iraqi engineer said they wanted to improve the rocket's accuracy without making major design changes. Design documents and procurement records confirmed his account.

The inspectors solved another mystery. The tubes intercepted in Jordan had been anodized, given a protective coating. The Iraqis had a simple explanation: they wanted the new tubes protected from the elements. Sure enough, the inspectors found that many thousands of the older tubes, which had no special coating, were corroded because they had been stored outside.

The inspectors found no trace of a clandestine centrifuge program. On Jan. 10, 2003, The Times reported that the international agency was challenging ''the key piece of evidence'' behind ''the primary rationale for going to war.'' The article, on Page A10, also reported that officials at the Energy Department and State Department had suggested the tubes might be for rockets.

The C.I.A. theory was in trouble, and senior members of the Bush administration seemed to know it.

Also that January, White House officials who were helping to draft what would become Secretary Powell's speech to the Security Council sent word to the intelligence community that they believed ''the nuclear case was weak,'' the Senate report said. In an interview, a senior administration official said it was widely understood all along at the White House that the evidence of a nuclear threat was piecemeal and weaker than that for other unconventional arms.

But rather than withdraw the nuclear card—a step that could have undermined United States credibility just as tens of thousands of troops were being airlifted to the region—the White House cast about for new arguments and evidence to support it.

Gen. Richard B. Myers, chairman of the Joint Chiefs of Staff, asked the intelligence agencies for more evidence beyond the tubes to bolster the nuclear case. Winpac analysts redoubled efforts to prove that Iraq was trying to acquire uranium from Africa. When rocket engineers at the Defense Department were approached by the C.I.A. and asked to compare the Iraqi tubes with American ones, the engineers said the tubes ''were perfectly usable for rockets.'' The agency analysts did not appear pleased. One rocket engineer complained to Senate investigators that the analysts had ''an agenda'' and were trying ''to bias us'' into agreeing that the Iraqi tubes were not fit for rockets. In interviews, agency officials denied any such effort.

According to the Intelligence Committee report, the agency also sought to undermine the I.A.E.A.'s work with secret intelligence assessments distributed only to senior policy makers. Nonetheless, on Jan. 22, in a meeting first reported by The Washington Post, the ubiquitous Joe flew to Vienna in a last-ditch attempt to bring the international experts around to his point of view.

The session was a disaster.

''Everybody was embarrassed when he came and made this presentation, embarrassed and disgusted,'' one participant said. ''We were going insane, thinking, 'Where is he coming from?' ''

On Jan. 27, the international agency rendered its judgment: it told the Security Council that it had found no evidence of a revived nuclear weapons program in Iraq. ''From our analysis to date,'' the agency reported, ''it appears that the aluminum tubes would be consistent with the purpose stated by Iraq and, unless modified, would not be suitable for manufacturing centrifuges.''

THE POWELL PRESENTATION

The next night, during his State of the Union address, President Bush cited I.A.E.A. findings from years past that confirmed that Mr. Hussein had had an ''advanced'' nuclear weapons program in the 1990's. He did not mention the agency's finding from the day before.

He did, though, repeat the claim that Mr. Hussein was trying to buy tubes ''suitable for nuclear weapons production.'' Mr. Bush also cited British intelligence that Mr. Hussein had recently sought ''significant quantities'' of uranium from Africa—a reference in 16 words that the White House later said should have been stricken, though the British government now insists the information was credible.

''Saddam Hussein,'' Mr. Bush said that night, ''has not credibly explained these activities. He clearly has much to hide. The dictator of Iraq is not disarming.''

A senior administration official involved in vetting the address said Mr. Bush did not cite the I.A.E.A. conclusion of Jan. 27 because the White House believed the agency was analyzing old Iraqi tubes, not the newer ones seized in Jordan. But senior officials in Vienna and Washington said the international group's analysis covered both types of tubes.

The senior administration official also said the President's words were carefully chosen to reflect the doubts at the Energy Department. The crucial phrase was ''suitable for nuclear weapons production.'' The phrase stopped short of asserting that the tubes were actually being used in centrifuges. And it was accurate in the sense that Energy Department officials always left open the possibility that the tubes could be modified for use in a centrifuge.

''There were differences,'' the official said, ''and we had to address those differences.''

In his address, the President announced that Mr. Powell would go before the Security Council on Feb. 5 and lay out the intelligence on Iraq's weapons programs. The purpose was to win international backing for an invasion, and so the administration spent weeks drafting and redrafting the presentation, with heavy input from the C.I.A., the National Security Council and I. Lewis Libby, Mr. Cheney's chief of staff.

The Intelligence Committee said some drafts prepared for Mr. Powell contained language on the tubes that was patently incorrect. The C.I.A.wanted Mr. Powell to say, for example, that Iraq's specifications for roundness were so exacting ''that the tubes would be rejected as defective if I rolled one under my hand on this table, because the mere pressure of my hand would deform it.''

Initelligence analyst at the State Department waged a quiet battle against much of the proposed language on tubes. A year before, they had sent Mr. Powell a report explaining why they believed the tubes were more likely for rockets. The National Intelligence Estimate included their dissent—that they saw no compelling evidence of a comprehensive effort to revive a nuclear weapons program. Now, in the days before the Security Council speech, they sent the secretary detailed memos warning him away from a long list of assertions in the drafts, the intelligence committee found. The language on the tubes, they said, contained ''egregious errors'' and ''highly misleading'' claims. Changes were made, language softened. The line about ''the mere pressure of my hand'' was removed.

''My colleagues,'' Mr. Powell assured the Security Council, ''every statement I make today is backed up by sources, solid sources. These are not assertions.''

He made his way to the subject of Mr. Hussein's current nuclear capabilities.

''By now,'' he said, ''just about everyone has heard of these tubes, and we all know there are differences of opinion. There is controversy about what these tubes are for. Most U.S. experts think they are intended to serve as rotors in centrifuges used to enrich uranium. Other experts and the Iraqis themselves argue that they are really to produce the rocket bodies for a conventional weapon, a multiple rocket launcher.''

But Mr. Powell did not acknowledge that those ''other experts'' included many of the nation's most authoritative nuclear experts, some of whom said in interviews that they were offended to find themselves now lumped in with a reviled government.

In making the case that the tubes were for centrifuges, Mr. Powell made claims that his own intelligence experts had told him were not accurate. Mr. Powell, for example, asserted to the Security Council that the tubes were manufactured to a tolerance ''that far exceeds U.S. requirements for comparable rockets.''

Yet in a memo written two days earlier, Mr. Powell's intelligence experts had specifically cautioned him about those very same words. ''In fact,'' they explained, ''the most comparable U.S. system is a tactical rocket—the U.S. Mark 66 air-launched 70-millimeter rocket—that uses the same, high-grade (7075–T6) aluminum, and that has specifications with similar tolerances,''

In the end, Mr. Powell put his personal prestige and reputation behind the C.I.A.'s tube theory.

''When we came to the aluminum tubes,'' Richard A. Boucher, the State Department spokesman, said in an interview, ''the secretary listened to the discussion of the various views among intelligence agencies, and reflected those issues in his presentation. Since his task at the U.N. was to present the views of the United States, he went with the overall judgment of the intelligence community as reflected by the director of central intelligence.''

As Mr. Powell summed it up for the United Nations, ''People will continue to debate this issue, but there is no doubt in my mind these illicit procurement efforts show that Saddam Hussein is very much focused on putting in place the key missing piece from his nuclear weapons program: the ability to produce fissile material.''

Six weeks later, the war began.

Mr. BYRD. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I have enormous respect for the Senator from West Virginia, for his years of experience and his dedication to the Constitution and his ability to protect the rightful prerogatives of this body. I do, however, disagree with him, respectfully, on the contents of his amendment.

I note, as I said this morning, the limitations in Senator BYRD's amendment would inhibit the ability of the national intelligence director to move people and money around to counter the threats facing our country. That is a major reform that has been recommended not only by the 9/11 Commission but by the witnesses before our committee and is a major reform supported by the administration.

Senator BYRD argues that the transfer authorities in the underlying bill cede too much power to the executive branch. But, in fact, the DCI currently has transfer authorities.

This is not a novel concept. We give the NID more transfer authority than the DCI currently has, but we are not taking power from Congress in any way because our bill does not change the existing process through which transfers must be approved by the appropriate congressional committees.

Mr. President, I will have more to say on Senator BYRD's amendment later.

AMENDMENT NO. 3950 TO AMENDMENT NO. 3705

Mr. President, at this point, I would like to take the opportunity to clear a pending amendment, so I ask unanimous consent that the pending amendment be set aside, and I send to the desk a second-degree amendment to the Collins-Carper-Lieberman-Coleman amendment No. 3705.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Without objection, it is so ordered. The pending amendment is set aside.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself and Mr. LIEBERMAN, proposes an amendment numbered 3950 to amendment No. 3705.

Ms. COLLINS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make certain technical amendments)

On page 5, after line 2, insert the following:

(7) Grant programs under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121–5206).

On page 10, line 17, strike the semicolon and all that follows through page 11, line 7, and insert a period.

On page 12, line 5, strike ''(5)'' and insert ''(6)''.

On page 12, lines 17 through 20, strike ''technical assistance provided by any Federal agency to States and local governments to conduct threat analyses and vulnerability assessments'' and insert ''technical assistance provided by any Federal agency to States and local governments regarding homeland security matters''.

On page 18, line 9, insert ''secure'' after ''for''.

On page 23, line 18, insert ''on the basis of terrorist threat'' after ''grant''.

On page 25, line 24, insert ''on the basis of terrorist threat'' after ''distribute''.

Ms. COLLINS. Mr. President, this second-degree amendment addresses several relatively minor concerns raised by some of the Members of this body and the Department of Homeland Security about the underlying amendment. I know of no objection to the second-degree amendment. The changes it would make do not in any way affect the funding formula of the underlying amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I am pleased to rise in support of this amendment. It builds on some extraordinary work done by the bipartisan membership of the Governmental Affairs Committee on a separate bill before we were assigned responsibility for this intelligence reform months ago in which the chairman and Senator CARPER played leading roles. I give them both great credit.

There is nothing more difficult than funding formulas around this place, for understandable reasons. I think this amendment strikes the right balance in the distribution of homeland security grant funds. The balance is to make certain we apply the dollars across our country in a way that protects us against the enemy we face, the terrorist enemy we face that is ruthless and unpredictable. To some extent, we think we understand them. The probabilities are they will strike more at large cities and visible and symbolic targets, but the reality is we cannot have our focus on what this enemy will do to us or aspire to do to us, be limited to the dreadful and tragic experience of September 11 in which they hit visible symbols of America's greatness because this same terrorist ilk has struck throughout the world at other kinds of targets that are not so visible, at buses with innocents on them, and other means of transportation, at gatherings of people in Iraq adjacent to places where Iraqis are lining up to apply to become security officers.

So that is the balance we are trying to strike which is to give special attention to the larger cities that are more likely to be targets but to understand that in a way that we have never experienced in our history before, all of America is potentially a target because these people do not ever play by anybody's rules of warfare. They strike at the most vulnerable targets. That means they could strike anywhere.

The Governmental Affairs Committee spent many months working on this compromise legislation. The amendment incorporates the text of that Governmental Affairs legislation, unanimously approved, to help streamline our funding for first responders around America. It ensures that a very significant part of the homeland security funding will be determined on the basis of the risks and threats that particular communities face, which moves us substantially in the direction that the 9/11 Commission recommended.

At the same time, this amendment will guarantee that each State, and therefore the localities under the State, continues to receive a minimum amount of funding to build up essential capabilities to both prevent and respond to a potential terrorist attack.

So I am pleased this amendment appears to be acceptable on both sides. I join in urging its adoption.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, as the Senator from Connecticut has indicated, the underlying amendment would implement the Homeland Security Grant Enhancement Act. This legislation is the product of three hearings and 2 years of negotiation on the Governmental Affairs Committee. It was approved by a unanimous vote, and it currently has 29 cosponsors.

It is supported by Senators from big States, such as Michigan and Ohio, and small States, such as Maine and Delaware. The widespread support in the Senate demonstrates that the amendment takes a balanced approach to homeland security funding. It recognizes that a threat-based funding formula is a critical aspect, but it also preserves and recognizes the fact that first responders in every State stand on the front lines of securing the homeland.

I am constantly reminded that two of the hijackers on 9/11 began their journey of death and destruction from Portland, ME. So small States are not immune from being used as staging grounds for terrorist attacks.

I think we have come up with a carefully balanced formula that will help make our Nation safer. Secretary Ridge frequently reminds us that homeland security starts with hometown security. Our legislation recognizes that as well.

I note that the legislation is supported by a wide variety of organizations, including the National Governors Association, the National Council of State Legislatures, the Council of State Governments, the National Association of Counties, the National League of Cities, Advocates for EMS, the International City/County Management Association, the Fraternal Order of Police, and the Fire Chiefs Association.

I know the Presiding Officer is very familiar with this issue in his capacity as the distinguished chairman of the Homeland Security Appropriations Subcommittee, and we have enjoyed working closely with him and his staff as well.

I want to mention one aspect of the underlying bill; that is, it would provide greater flexibility in the use of homeland security funds so we can ensure that if a State needs to have more training as opposed to buying more equipment, there is more flexibility for the use of those funds in a flexible manner via a waiver from the Secretary of Homeland Security.

This was a particular concern to the Senator from Missouri, Mr. TALENT. I know having that flexibility will enable our first responders, whether they live in Maine, Missouri, or Mississippi, to be better prepared.

Mr. President, I know of no further requests for debate on the second-degree amendment nor on the underlying amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the second-degree amendment No. 3950.

The amendment (No. 3950) was agreed to.

Ms. COLLINS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I am pleased that the Senate today will accept a bipartisan amendment, No. 3705, to the National Intelligence Reform Act of 2004, S. 2845, offered by Senator COLLINS, for myself and eight other cosponsors, that will revise the formula for the allocation of State and local homeland security grant funding.

Homeland security is a national responsibility shared by all States, regardless of size. Each State has basic terrorism preparedness needs and, therefore, a minimum amount of domestic terrorism preparedness funds is necessary for each State. Our first responders in each and every State are on the front lines in defending against and preparing for terrorist attacks. We need to ensure that they receive the funding they need to prepare for and respond to such attacks.

Recognizing that every State and community should have helped to meet those needs, I authored a minimum formula for State and local basic formula grants to emergency responders that are distributed to States by the Department of Homeland Security Office of State and Local Government Coordination and Preparedness. That formula guarantees that each State—regardless of size—receives at least 0.75 percent of the national allotment to help meet their national domestic security needs.

Congress continues to recognize that every State and community—rural or urban, small or large—has basic domestic security needs and merits the Federal help to meet those needs. Both the Senate and House Homeland Security appropriations bills for Fiscal Year 2005 keep the all-State minimum formula for first responder grants that are distributed to the States.

Representatives and officials from urban States and cities have argued that Federal money to fight terrorism is sent to areas that do not need it and it is ''wasted'' in small towns. However, Congress has shown that it recognizes these highly populated, highly threatened and highly vulnerable areas have terrorism preparedness needs beyond those basic needs for each State. That is why we in the Senate last month included $1.2 billion for discretionary grants to high-threat urban areas for the coming fiscal year. The House-passed Homeland Security appropriations bill included $1 billion for the Urban Areas Security Initiative.

Not all those who are leaders in urban areas believe that every cent of State and local homeland security funding should go solely to first responders in our cities. I recall this past August, former New York City Mayor Rudy Giuliani brought a warning to emergency first responders in my home State of Vermont that should serve as a notice to all Americans. He said there was no doubt in his mind that another serious attack on the United States would be attempted, and he said it could just as easily be small town America rather than another large city.

''The risk of another attack is a very great one. . . . The biggest city and the smallest towns, both had to be prepared,'' he was quoted by The Rutland Herald. While in Vermont, Mr. Giuliani publicly lauded the value of the work that first responders in small local communities do day after day. I join him in that praise.

I remind my colleagues that the town of Shanksville, PA, where the fourth hijacked airliner, United flight 93, crashed on September 11, 2001, is a tiny town of 245 residents with only one fire truck in a small fire station. On that day, Shanksville's police officers, fire fighters, and EMS officers who raced to the crash site of flight 93 were on the front lines of terrorism response. It is a threat we cannot always predict but one that we must always try to be prepared to meet.

Officials in the current administration hold the same view. In an interview published in the 2004 edition of The Year in Homeland Security, the Director of the Office for Domestic Preparedness, Sue Mencer, stated the following: . . . ''there should be some base level funding to each state and territory regardless of size or population density. There are infrastructures everywhere, although they may not be so dramatic as a Brooklyn Bridge or Golden Gate. There are critical underground pipelines, highways, bridges that we don't think of automatically but still need to be protected.''

Critics of the all-State minimum seem to forget that since the September 11, 2001, terrorist attacks, we have asked all-State and local first responders to defend us as never before on the front lines in the war against terrorism. Emergency responders in a rural State have the same responsibilities as those in any urban State to provide enhanced protection, preparedness and response against terrorists.

Fostering divisions between States ignores the real problem: We should be looking to increase the funds to our Nation's first responders. The Hart-Rudman report on domestic preparedness argues that the U.S. will fall approximately $98.4 billion short of meeting critical emergency responder needs over the next 5 years if current funding levels are maintained. Clearly, the domestic preparedness funds available are still not enough to protect from, prepare for, and respond to future domestic terrorist attacks anywhere on American soil.

I am proud to join Senator COLLINS and my eight colleagues in cosponsoring her bipartisan amendment to revise the formula for the allocation of State and local homeland security grant funding. This amendment maintains the 0.75 percent minimum that each State currently receives under the USA PATRIOT Act to help ensure that every State can respond to its preparedness needs, but it also clarifies and recognizes the fact that some States indeed have high-threat areas. I will continue to oppose any efforts to reduce adequate support and resources for our police, fire, and EMS services in each State and community as they continue to protect us from terrorists or respond to terrorist attacks, as well as carry out their other preparedness responsibilities. We should adequately meet the needs of all of our dedicated first responders and resist efforts that would pit them against each other.

We must continue our efforts to ensure the readiness of our States and communities. Should the United States experience terrorist attacks like those we endured over 3 years ago, I want to make sure that each police officer, firefighter, or rescue worker who responds to those attacks has the best training and equipment available to get the job done. I applaud all the hard work of all our State and local emergency first responders who not only continue to carry out the day-to-day responsibilities they have always had, but also find themselves serving on the front lines in the war on terrorism.

AMENDMENT NO. 3705, AS AMENDED

Ms. COLLINS. Mr. President, I know of no further debate on the underlying amendment, the Collins-Carper-Lieberman-Coleman amendment No. 3705.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 3705, as amended.

The amendment (No. 3705), as amended, was agreed to.

The PRESIDING OFFICER. If there is no objection, the motion to table is laid on the table.

Mr. LIEBERMAN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I note the Senator from North Dakota is on his feet. I wonder if the Senator could inform us whether he is seeking recognition to talk about the bill or offer an amendment or morning business.

Mr. DORGAN. Mr. President, I seek recognition to speak about the bill and about Senator BYRD's amendment and generally about the subject the Senate is considering.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from North Dakota.

AMENDMENT NO. 3845

Mr. DORGAN. Mr. President, let me say that the Senator from West Virginia has done a great service today by

pointing out that there is a substantial difference between flexibility and accountability. I cosponsored the amendment offered by Senator BYRD, not because I want less flexibility but because I demand and expect that we should have accountability in terms of how money is spent by the Federal Government, especially in these areas.

I don't think there is one instance in which the administration would argue they have not been given the flexibility to move funding from one account to another in order to accomplish their specific goals and purposes in defeating terrorism. The Congress has been extraordinarily generous in working with the administration in every conceivable way to move money around to areas where they need that money with which to fight terrorism.

Senator BYRD, in his amendment, indicates that he thinks we should continue to have some accountability. Under the pending bill, the Treasury Secretary is authorized to create appropriations accounts, to which the national intelligence director then can transfer funds, and there are really no limits on how those funds would be used at this point.

Let me give a short description of some of the angst I have about this when you just provide funding and say: Katey, bar the door, do what you want, and don't worry about how we feel about it.

This is a tiny little issue, but there is a small area down in the Treasury Department called the Office of Foreign Asset Control, OFAC. Its purpose is to track money that goes to fund and support terrorist organizations so we can shut down that funding. That is the purpose of OFAC. I found that OFAC has 21 people tracking American tourists traveling to Cuba. These are American citizens who are suspected of trying to take a vacation in Cuba. We have 21 people in an agency designed to try to interrupt the flow of money to terrorists who are now spending their time trying to shut down travel by the American people to Cuba.

I will give you an example. A young woman named Joni Scott went to Cuba. She didn't have a license to go there. She went there to distribute free Bibles on the streets of Havana and other Cuban cities. She is a devoutly religious young woman. I have met with her. She went to Cuba to distribute free Bibles. OFAC tracked her down and slapped her with a $10,000 fine because she didn't have a general license to go to Cuba.

And there is Joan Slote, a 76-year-old grandmother who likes to ride bicycles, who signed up with a Canadian company for a bicycle tour of Cuba. She happens to be a senior Olympian who rides bicycles in the Senior Olympics. They tracked her down and slapped a $10,000 fine on her. It was later reduced, but they decided they were going to try to attach her Social Security check because she did not pay her fine on time. That was because she had been in Europe. She rushed back home when her son had a brain tumor and was dying, went to her son's bedside, and was not at home to get her mail. What was her transgression? She was an American who decided to ride a bike in Cuba.

My point is this: This is a rather small agency, OFAC. And when Paul O'Neill was the Secretary of the Treasury, I asked him at a hearing, because I was the chair of the appropriations subcommittee—I said: Mr. Secretary, wouldn't you really prefer to use all of those assets at OFAC to track terrorists? He didn't answer for three or four times. Finally, about the fifth time, he said: Of course.

If I had my choice, that would be the most productive thing. We now discover that more and more of those people at OFAC are being used to track Americans who travel to Cuba. I don't understand that. But it goes to the point that Senator BYRD has made. Should we have some accountability? When we decide to take the taxpayers' money and appropriate that money, should we have some accountability with respect to how the money is spent? This isn't about Republicans or Democrats, conservatives or liberals; it is about accountability.

My colleague from West Virginia, a unique, extraordinary Senator, often pulls from his pocket that well-worn and underlined copy of the Constitution and he asks whether the Senate is carrying out its responsibility. Because after all, this is a Government with several branches. We want to work together. We certainly all want to fight terrorism. There is no question about that. We are willing to appropriate the funds with which to combat terrorism, but we are not all willing to say: By the way, here is the check, spend it the way you want. Congress needs to be involved.

This is not about turf. This amendment described today by Senator BYRD is a bipartisan amendment. But it is not about turf. It is about Republicans and Democrats together who have joined to take a look at this issue and say: In this circumstance, we believe there ought to be some fundamental accountability.

Mr. LIEBERMAN. Mr. President, would the Senator yield for a question?

Mr. DORGAN. I am happy to yield.

Mr. LIEBERMAN. I appreciate what the Senator said. I must say that Senator COLLINS and I in crafting the underlying bill were very careful to make sure we did not diminish the accountability the national intelligence director will have to the internal executive branch budget procedures or to Congress. There is a movement of authority here. The movement of authority is from the Department of Defense to the national intelligence director. The Byrd amendment would eliminate that, would force the money to go back to the Department of Defense.

I want to assure the Senator that internally the limits of transfer authority in our bill are quite clear. The national intelligence director has to get approval from the Office of Management and Budget.

More to the point, on congressional oversight, our legislation doesn't alter today's balance between the executive and legislative branch at all. For example, on page 28, paragraph (4) of the bill:

> Any transfer of funds under this subsection shall be carried out in accordance with existing procedures applicable to reprogramming notifications for appropriate congressional committees.

Page 29, paragraph (5)(A):

> The National Intelligence Director shall promptly submit to appropriate committees of Congress a report on any transfer of personnel . . .

And finally: ''Any transfer of funds or personnel cannot exceed applicable ceilings established in law for such transfer'' by that Congress.

So my question is why my friend from North Dakota thinks in any way this proposal, which does move budget authority from the Defense Department to the national intelligence director, alters the authority of Congress to hold these people accountable?

Mr. DORGAN. Mr. President, I cosponsored the amendment not because of what I think but because of what I know. Let me describe for the Senator from Connecticut a circumstance that I believe means less accountability for the Congress and a circumstance that puts the Congress in a position of having to act retroactively with respect to an action that is already taken which dramatically changes the prerogatives of Congress.

As I understand it, under the bill, the Secretary of the Treasury is authorized to create appropriations accounts to which the national intelligence director then can transfer funds. As I further understand it, the underlying bill includes no limits on how those funds can be used once they are transferred.

As I understand it, the intelligence director would be authorized to transfer about $3.5 billion from the defense budget, and that gives the director a substantial amount of transfer authority never contemplated by Congress. The circumstance is that Congress would have to take action only retroactively to transfers that are made by the national intelligence director, which means that director begins and works to expend funds by their own volition.

My colleague from Connecticut indicates that they must get approval from the Office of Management and Budget. I would point out, that is just the administration giving itself approval to do what it wants. That is not a check and balance of any type.

My point is this: Once these transfers are made into this account and from the account, the only action that would then be available to Congress is some retro-action to say that is not what we intended. That puts Congress in a circumstance that, in my judgment, is disadvantageous for the body

in this Government that has the power of the purse.

I go back to this point, and this is a small point, but it is one that is instructive to me: If we do not tell those for whom we appropriate money how we want those funds to be spent, then, Katey, bar the door. Then you have a circumstance of the type I just described to my colleagues. I bet there is not one colleague in this Chamber who would stand up and say this young woman named Joni Scott should have been fined for going to Cuba to distribute free Bibles. I bet there is not one person in this Chamber who would stand up and say: I think we ought to fine a good Christian, a young woman who goes to Cuba and distributes free Bibles.

That is what the people in OFAC are doing. They are tracking people down, such as Joni Scott. That is not the intent, in my judgment. When we appropriate funding—and we are going to appropriate a lot of it—we are in every circumstance accommodating to the administration when it needs to move money for a good purpose, to combat terrorism. When we appropriate that money, we demand accountability. We expect and demand accountability. That is what the Byrd amendment provides.

It is not a radical amendment. First of all, it is bipartisan, and, second, it is just the most fundamental step that, in my judgment, we ought to take as a Congress because we, after all, are the ones who decide how much the American people pay in taxes, what do they have to provide for Government, and then we are the stewards of how that money is spent.

Without this amendment, we have lost control over the stream of this funding. That is why I was a cosponsor of the Byrd amendment, again a bipartisan amendment.

I think it is the right thing for us to do.

I must say to my colleague from Connecticut, I honestly do not think this amendment in any way undermines the Collins-Lieberman bill. I think, frankly, it will strengthen that bill and say to every Member of the House and Senate, Republicans and Democrats: We are going to do this in a way that requires accountability. What better message, in my judgment, than that message? So I actually think it strengthens the underlying bill.

Mr. LIEBERMAN. Mr. President, if I may respond.

Mr. DORGAN. I will be happy to yield for a question.

Mr. LIEBERMAN. Then I will be happy to yield back.

There is a misunderstanding, and I want to see if I can clarify it. There are three parts of the amendment offered by the Senator from West Virginia and others. Two have to do with transfers of personnel and money and whether they can be limited in any way.

We believe it is not right for Congress to limit the authority—here I mean amounts of money or personnel of the nature of how long the national intelligence director, whom I have been calling the general we do not have now of our intelligence forces, can transfer personnel or money to fight the war on terrorism, to plug a gap that he sees existing in his ranks, to respond to a crisis that occurs somewhere in the world. That is the kind of flexibility we want to give him. That is subject to oversight, but that is a limitation on the power the national intelligence director has in our bill, recommended by the 9/11 Commission, supported by the families of those who died on 9/11.

That is one part. We can argue about that. But it is definitely a cut in the authority of the national intelligence director to help us wage war on terrorism.

Mr. DORGAN. Mr. President, if I can reclaim my time for a moment on that point because I think this is a fruitful discussion, the authority in the underlying bill given to the national intelligence director is extraordinary and above that which we provide in most other circumstances with respect to appropriations. The two Senators may well intend that. I expect they do intend that. Our only point is there has never been a circumstance, to my knowledge, where someone has come to us on an urgent basis saying, We need to plug this hole, we need to move funds, there has never been a circumstance in which the Congress says: No, you cannot do that. We have always said: Absolutely, let us work with you.

Mr. LIEBERMAN. Mr. President, I want to make clear again, there is an alteration of authority and accountability here but not between the executive branch and Congress. The alteration of authority and accountability is between agencies of the executive branch, between the Defense Department and the national intelligence director because, as has been said over and over—and talk about accountability, we are spending, by most estimates—and I cannot say the exact number because it is classified—we spend over $40 billion a year on our intelligence agencies, and the 9/11 Commission and Members of this Congress know it and tell us there is no one in charge. What kind of accountability is that?

One of the main purposes of this bill is to put someone in charge, the national intelligence director, and to hold him accountable.

I want to repeat, there is nothing in this bill—there may be some alteration of authority that comes through in the congressional oversight reforms that are coming from Senator MCCONNELL and Senator HARRY REID among different committees of the Congress, but all the review and approvals that Congress has for appropriations now will exist when this bill passes. But the national intelligence director will have more authority than the Director of Central Intelligence has today. It is true the Department of Defense, which currently, strangely, receives more than 80 percent of the intelligence budget and then funnels it out to the intelligence community, will lose some of that authority.

There is nothing in this bill—if you see it, bring it to us. Senator COLLINS and I will review it and see if we can alter it. That is not our intention. I want to say what bothers me about the amendment, apart from the transfer, is that it strikes a section in our bill which we thought was process, was routine, which simply says: If we are to give this national intelligence director some authority for the budget, we have to give the Treasury the authority to set up accounts for that person in the Treasury so he can spend it, but he has to spend it according to the appropriations of Congress. He has to spend subject to all the oversight, notification, and accountability of Congress.

I remain puzzled, and I do feel very strongly that this amendment will do serious damage to our proposal, unanimously adopted by the committee based on recommendations of the 9/11 Commission and strongly supported by the families of the victims of 9/11.

Mr. DORGAN. Mr. President, let me just say, first of all, you can delegate authority, but you cannot delegate responsibility. No one can delegate responsibility. We have certain responsibilities for the taxpayers' money. I must say the amendment that has been offered, in my judgment, conforms to the Constitution's understanding of what our responsibilities are.

We have a disagreement. I don't want that disagreement to undermine my comments about the work that Senator COLLINS and Senator LIEBERMAN have done. They have done a lot of work on this bill, perhaps more than anyone else in the Congress, with hearing after hearing after hearing. Very few of us not on that committee understand the hours and the work they put in on this product. I don't mean by cosponsoring this amendment to denigrate or undermine their work, I mean to improve on that work.

And let me just make this point: We have a very fundamental disagreement, the Senator from Connecticut and I, because he believes there is no new authority given to the national intelligence director. As I understand this, what happens is, the Treasury Secretary creates appropriations accounts, and he creates appropriations accounts to which the national intelligence director can then transfer funding.

I also understand under current circumstances, several billion dollars would be transferred to those accounts, and then at some point later, if the Congress determines the expenditures for which that sum of several billion dollars has been committed is not appropriate to what the Congress intended, Congress can then retroactively evaluate how to deal with that. I am saying I believe it puts us in a position, historically, that we are not

in with respect to our role as appropriators.

I think the circumstances have always been that money is appropriated through an appropriations process, not through an authorization. The bill we have today is an authorization. I happen to believe this authorization bill should give some additional authority to a new person—in this case the national intelligence director—but I am going to speak for a moment, when we finish this discussion, about the stovepipes and my concerns about what is going on in intelligence generally and why we are in a position, I think, of some vulnerability based on what is not being done.

So I happen to think that it is useful to put someone in charge, but putting someone in charge does not mean that we ought to say to them, oh, by the way, here is a pot of money, move it around as you wish, let us know how you used it, and then we will take a look at it and see whether we evaluate that to have been appropriate use. That is not the way we do things in Congress.

Mr. LIEBERMAN. Will the Senator yield for a moment?

Mr. DORGAN. Of course, I would be happy to yield.

Mr. LIEBERMAN. I could not disagree more with the Senator's understanding of the language in the bill. If there is any basis to the Senator's understanding, we ought to sit together and see if we can fashion a change, because the intention, as I understand it—and perhaps the Senator from Maine may want to speak to this section—was to simply make clear that as we are giving budget authority, and we are giving authority to the NID, but we are holding him or her accountable—as we give that authority to the NID, an account has to be created in the Treasury where he can receive that money, which now goes to the Defense Department.

Our reading of this part of this amendment was that if the formation of these accounts for the national intelligence director at the Treasury is prohibited, then the money is going to go back to Defense again and they are going to undercut the new national intelligence director and go back to the stovepipes.

We have no intention to create pots of money that the NID will do whatever he wants with. Incidentally, any transfer of funds from within the intelligence community—and the budget of this agency itself is not going to be large; it is going to oversee a budget for agencies that is going to be large—will have to be made according to the normal procedures with notification to Congress. We have not altered that at all.

We have even said explicitly that the power—we want to create as much strength in this office as possible. The power in the Appropriations Committee each year to set certain ceilings on transfers remains untouched. We reaffirm it in our proposal.

So we have very different views of this part of the Byrd amendment, and if there is any basis for what the Senator from North Dakota is saying, we ought to sit down and figure out how to correct it because we just want to help this office to work. We do not want to give them any authority to hold billions of dollars of money without holding them accountable.

Mr. BYRD. Will the Senator yield?

Mr. DORGAN. I would be happy to yield to the Senator from West Virginia.

Mr. BYRD. Why not take more time? What is all the rush? Why not take time? That is all I am asking for is take time. The distinguished Senator has offered to sit down with the distinguished Senator from North Dakota. Why do we not take time and try to work this out? There are many other questions. That is what I am asking. Let us have more time. We are being forced to operate under the gun here and that does not lend itself to very wise legislation. That is what I am asking: How about more time? We might resolve several of these problems then.

Mr. LIEBERMAN. I say to the Senator from West Virginia——

Mr. DORGAN. I would be happy to yield for a response.

Mr. LIEBERMAN. I thank the Senator, and I will give it right back.

I say to the Senator from West Virginia most respectfully, we are here. We have been working on this bill in our committee since the end of July. We have listened to a lot of people in the committee. We have altered parts of it. Just last week in 5 days of consideration, several of our colleagues introduced amendments. We thought they would do damage to the bill but they had some merit. We reasoned with them. We came up with clarifications. Sometimes we accepted whole amendments.

Perhaps there is some lack of clarity in this particular part that we can resolve together, but on the overall question, I say to Senator BYRD, we do not have time. It is 3 years plus since these terrorists struck America and killed 3,000 of our innocents, men, women, children. Every form of citizen and noncitizen happened to be in the wrong place at the wrong time.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. DORGAN. Mr. President, let me reclaim my time.

Mr. LIEBERMAN. Well, I did not finish but he can take it over. I just want to say, we are under threat. This Capitol——

The PRESIDING OFFICER. The Senator yielded for the purpose of answering questions not for a debate.

Mr. LIEBERMAN. I thank the Chair.

Mr. DORGAN. In my judgment, the discussion we have just had is easily resolved. Either the Senator is providing much greater authority and therefore more flexibility at the expense of less accountability to the Congress or he is not. As I read this, I believe the amendment that has been offered by Senator BYRD, Senator STEVENS, Senator INOUYE, Senator WARNER, myself and others, a bipartisan amendment, does not in any way weaken the bill that came to the Senate floor on which the Senator has spent a lot of time. I think it, in fact, strengthens it. It strengthens the role of Congress and I think makes this a better bill.

So I understand the Senator believes that the way the Senator has created this underlying Collins-Lieberman bill does not provide less accountability for Congress. The Senator has described it as much better flexibility, and that flexibility, as I read this, comes at the expense of accountability for the Congress.

My only point is, all of us want exactly the same thing. We want this to work. If there is anybody in here who does not want this to work, they do not belong in this Chamber. We want this to work. Why do we want it to work? Because we know people want to murder innocent Americans. They want to commit acts of terror in this country and we need to stop them.

Now, how do we stop them? With good intelligence.

I cannot say how profoundly disappointed I am at the poor intelligence we have been given as a Congress in recent years. Somebody needs to answer to that. Somebody needs to be accountable for that. In part, that is what Senator LIEBERMAN and Senator COLLINS are trying to do with this legislation. That is why I commend them for their work.

Let me describe a continuing problem that we have with our law enforcement and intelligence communities in their efforts to prevent another terrorist attack.

On September 10, 2001, the day before 9/11, two messages apparently related to the 9/11 hijackings were intercepted by our Government, by the National Security Agency. The Arabic language messages said, ''The match is about to begin'' and ''tomorrow is zero hour.''

Those messages were not translated until the day after 9/11.

You would think that the FBI's translation capabilities would have been vastly improved in the intervening three years. Yet last week we learned that the Inspector General of the Department of Justice had issued a report, which found that three years later, the FBI has neglected to translate hundreds of thousands of hours of intercepted communications among suspected terrorists.

This is not about politics at all. There is no partisanship in this. The question is, Do the FBI, CIA, the NSA, and others do an effective job or do they not? Can we prevent acts of terrorism or can we not?

Let me read this, from the Inspector General's report: Three years after September 11, more than 120,000 hours of potentially valuable terrorism-related recordings have not yet been translated by the linguists at the FBI.

In fact, some recordings have been deleted from audio computer files, and FBI officials speaking on condition of anonymity said officials have had to go back to original al-Qaida recordings on some occasions to try to restore them, after realizing that copies had been deleted because of capacity problems.

The inspector general's report said the linguists might not have realized that material was deleted unless a case officer simply happened to notice it missing from the final transactions. The FBI had failed to institute necessary controls to prevent critical audio material from being automatically deleted.

After September 11, 2001, the FBI director said this:

The FBI needed to change from an agency primarily focused on investigating crime to one whose primary focus is the prevention of future terrorist attacks.

The Inspector General says:

Yet necessary system controls have not been established to prevent critical audio materials from being automatically deleted, such as protecting sessions of the highest priority on digital collection systems, active on-line storage until linguists review them.

This is the Inspector General, again. He says:

The results of our tests showed that three of our FBI offices tested had al-Qaida sessions that potentially were deleted by the system before linguists had a chance to review them.

There is something wrong here. How can you have 120,000 hours of intercepted phone messages and all kinds of audio recordings—terrorists, al-Qaida recordings—that have never been listened to? Is there a recording in that 120,000 hours that sounds like the recording on September 10, 2001, a recording that says: ''Tomorrow is the zero hour,'' and no one has listened to it? I don't know.

The American people understand, I think, that the capability of our intelligence system, the CIA, the FBI, and others, will determine whether we are successful in preventing another terrorist attack.

So it is disheartening when you see the same failures cited over and over, with little improvement.

Let's go back to August 2000, before this administration took over. In that month, we had a report of the National Commission on Terrorism—a report authorized by this Congress, issued by a commission chaired by Ambassador Paul Bremer. This was the same Paul Bremer who later went on to head the Coalition Provisional Authority in Iraq.

The Bremer commission, 4 years ago—this is before 9/11—had this to say:

The FBI's ability to exploit the increasing volume of terrorism information has been hampered by aging technology.

All U.S. Government agencies faced a chronic shortage of linguists to translate raw data into useful information. This shortage has a direct impact on our counterterrorism efforts.

Mr. Bremer said then, over 4 years ago, that what we need are additional linguists, we need to interpret the raw data, we need to be able to understand it, determine what it means for this country's safety.

Here we are 4 years later and we get an Inspector General's report that says there are 120,000 hours of potentially valuable terrorism-related recordings not even translated.

Indeed, the Inspector General of the Department of Justice concluded that one-third of terrorism-related audio recordings were not translated within 12 hours as mandated by the FBI rules. There are 123,000 hours in languages primarily related to counterterrorism—Arabic, Farsi, Urdu, Pashtun—that have not been translated; 370,000 hours of recordings in languages connecting to counterintelligence probes had not been deciphered by that time. That is nearly one-half million hours potential leads to terrorist plots, sitting there, uninterpreted.

We can pass legislation. We can have a debate about all these issues. But if agencies can't get their act together, can't do the job, don't even interpret the al-Qaida recordings to understand what is there, how on Earth are we going to protect this country?

The 9/11 Commission, incidentally, the Commission which has prompted this bill coming to the floor of the Senate, says the following:

The analysts for the 9/11 Commission

. . . had difficulty getting access to the FBI and intelligence community information they were expected to analyze. The poor state of the FBI's information systems meant that such access depended in large part on an analyst's personal relationships with the individual in the operational units or squads where the information resided. For all of these reasons, prior to 9/11 relatively few strategic analytic reports about counterterrorism had been completed. Indeed, the FBI had never completed an assessment of the overall terrorist threats to the U.S. homeland.

And I continue to quote:

The FBI did not have an effective intelligence collection effort. The FBI did not dedicate sufficient resources to the surveillance and translation needs of counterterrorism agents. It lacked sufficient translators proficient in Arabic and other key languages, resulting in a significant backlog of untranslated intercepts.

This from the 9/11 Commission. Following the release of this information from the 9/11 Commission, we now have the release of the Inspector General's report, which is absolutely stunning. It is astonishing to receive a report that, nearly 4 years after a recommendation was made by the Bremmer-Sonnenberg Commission, 3 years after we were attacked on 9/11, that we have 120,000 hours of recordings of intercepted information, a portion of which is from al-Qaida, and it has not yet been interpreted or translated. This is unbelievable.

I talked for a few moments about accountability. Where is the accountability here? Who is accountable for that? Who is responsible for that?

I want to make one other point, if I might. Again, I know I had a discussion with my colleague from Connecticut. My colleague from Maine is on the floor. I don't know whether she heard me, but I said I appreciated the work the two have done to bring this to the floor. Much of it has great merit, in my judgment. Much will be very protective of this country's interests and advances our interests in combating terrorism. I do support the amendment because I think that amendment will strengthen the bill. But let me say one other thing. The 9/11 report is a roadmap and we are using that roadmap in an attempt to construct some legislation here. Other roadmaps, for example, include this Inspector General's report of which we have just become aware. That ought to tell us something about where we are headed here. It is not good.

Let me mention one additional point. As we evaluate what yet needs to be done to protect this country, and discuss issues of transparency, there remain 28 pages of information up in the Intelligence Committee that should still be released. They are classified ''top secret.'' Some in the Senate have read this material; all have the opportunity to read it. It comes from the December 2002 report of the Joint Intelligence Committee of the House and Senate that was sent to the White House and then was published. That report was on 9/11, what happened, and how it happened. That report was published in the December 2002 with 28 pages missing, and the 28 pages deal with Saudi Arabia. That is what has been said publicly, disclosed publicly, but yet they are deemed top secret and the American public is not able to see them. Then, the chairman of the Senate Intelligence Committee, RICHARD SHELBY, indicated that he thought 95 percent of it could be easily declassified. The Foreign Minister of Saudi Arabia thought it should be declassified. Yet it has been classified by the White House, which refuses to share this information with Congress and the American people.

I believe, once again, that all of us should continue to ask the White House to declassify those 28 pages. That, too, is a contribution to understanding what happened and what we do about it.

Those 28 pages, in my judgment, should be released. They cannot as long as they are classified ''top secret.'' In my judgment, they should be declassified. Again, Senator SHELBY indicated that he thought 95 percent of it could easily be declassified, and, as I indicated, the Foreign Minister of Saudi Arabia called for its declassification. Considering that fifteen of the 19 terrorists who struck this country were Saudis, I think our country deserves to get to the bottom of this.

I believe, once again, as we finish discussing these issues on intelligence, 9/11, and how to strengthen this country, how to prevent future acts of terrorism, that these 28 pages ought to be made available to the American people.

I came to the floor today to talk about this inspector general's report and to weigh in briefly on an amendment offered by my colleague, Senator BYRD.

Let me conclude as I started by saying that I believe Senator BYRD has done a great service to the Senate by once again saying there is merit in many of these proposals and that he doesn't come to the floor to denigrate these proposals. He comes to the floor to strengthen these proposals. I agree with him that we have a government in which we have separating powers with respect to the ability and the fight to try to prevent further acts of terrorism from occurring in this country.

All of us need to work together. But we need to work smart. Working hard and working smart sometimes can be two different things. I hope we will work smart working together to have accountability in Congress to provide the flexibility while still retaining accountability so we can create this new agency, get rid of these stovepipes, and have agencies that are forward working, that will share information which will protect this country from future acts of terrorism. All of us share that goal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I note that the Senator from North Dakota gave a very troubling and compelling example of the fact that the FBI is so far behind in translating critical messages and documents. I am troubled by that, also.

Where we may differ is, I believe, that the authority given to the national intelligence director by the bill will allow us to address that problem. Now we will have one person in Government who is accountable and responsible and who will be able to—unless the Byrd amendment is agreed to—transfer the people and the funds necessary to tackle that backlog. That can't happen because of a very cumbersome process. I see our legislation and the authority it gives the new NID to be critical in allowing us to address just those kinds of problems.

We know there is a shortage of linguists throughout the Federal Government, but we also know there are thousands of linguists. Some of them are in the FBI, some of them are in the CIA, and some are in various other agencies. If we had a national intelligence director who was able to marshal those resources, then we could get rid of those backlogs. I think that would be very helpful.

I have other comments I want to make in response to the Senator's comments on the Byrd amendment.

Mr. DORGAN. Mr. President, will the Senator yield for one point?

Ms. COLLINS. If I could complete my sentence, I would be happy to yield briefly for a question.

The Senator from Missouri has been waiting for some time to speak on the amendment that was just cleared on homeland security grants. I will yield briefly for a question.

Mr. DORGAN. I thank the Senator.

I only make the point that I don't think any of us disagree with the point of having sufficient flexibility so the agencies will make decisions to hire people to translate the tapes. Somebody must be accountable today—not just tomorrow—for 120,000 pages not being translated.

My point is, whether Senator BYRD or myself or any other Senator, we all want sufficient resources to be devoted to the task at hand—especially the urgent task at hand. With or without the kind of flexibility you provide in this bill, I believe the evidence is that in every circumstance in the last 3 years when the administration asked for flexibility in moving funding, it has been granted by this Congress, and it has done so immediately. I know that because I am an appropriator and I see what comes to us. We move it immediately.

I wanted to make the point that I don't think there is any disagreement at all about our interest in seeing critical issues funded. We all want that to happen.

Ms. COLLINS. Mr. President, reclaiming my right to the floor, let us look at what happens under the current system when funds are reprogrammed. I would like to quote from the acting CIA Director John McLaughlin testimony that he gave before the Senate Armed Services Committee which parallels conversations that Senator LIEBERMAN and I had with him privately. It goes directly to this point of the need for a more agile system.

Yes, the DCI has some reprogramming authority now. But let us look at the way it works. Listen to what John McLaughlin says:

> Typically you require the approval of the agency that is surrendering the funds. Then you require the approval of the department head who overseas the agency. Usually that is the Secretary of Defense. Then you require the approval of OMB. Then you require the approval of six congressional committees. Typically that takes 5 months.

I want to repeat that. That reprogramming takes 5 months, on average.

John McLaughlin goes on to say:

> So you can see that is not very agile to meet the needs of today. My view is that the national intelligence director ought to have the authority to move those funds.

We are facing an agile enemy, and what are we putting up against him? A system where it takes 5 months to move funds from one category to another.

I wish to address the issue of the accounts under the bill, which both Senator BYRD and Senator DORGAN have addressed. These are simply accounts that allow the NID to receive the appropriations. That is all they are. The accounts set up under our bill do not give the NID any additional authority. These are just regular Treasury accounts.

Why are they needed? They are needed because the money now is funneled through the Department of Defense.

If you are going to allow the NID to receive the appropriations from Congress from a mechanics standpoint, you have to have a mechanism whereby the Treasury Department sets up the accounts for him. That is all this is. In fact, I refer to page 24, line 12, of our legislation. These accounts are set up explicitly ''for the purpose of carrying out the responsibilities and authorities of the director under this act.''

The accounts themselves do not allow or authorize the NID to transfer funds. There is transfer authority. It is on page 27 of the bill. These authorities include a number of important safeguards.

First of all, transfers will still require congressional approval just as they do now. We are not changing the balance of power between this new position and the Congress. The transfers are subject to the applicable ceilings established in law to the appropriation ceilings. The transfers cannot be made unilaterally by the NID. They require the approval of the Director of Management and Budget.

Finally, the NID must consult with the affected agency heads, but no longer will he have to get the approval of the agency head and then the department head and then Office of Management and Budget and then Congress—that whole intricate system. We would allow consultation. Then the NID can move the money with the approval of OMB and subject to the same congressional review we have now. This is not a radical new concept. It is an essential authority. We cannot afford to have a process that takes 5 months for money to be moved from one account to another.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 3705

Mr. TALENT. Mr. President, I thank the Senator from Maine for her comments. I am going to make a couple of comments about an amendment the Senate adopted an hour or two ago that I am strongly supportive of and was pleased to cosponsor. I want a little more on the record about what that amendment does.

As I travel around Missouri and talk with first responders about homeland security, there is a consistent theme I hear. This goes back several years ago when I was not even in the Senate and was just campaigning. Over and over again, what I heard from fire chiefs, local public health authorities, police chiefs, and sheriffs was this: Look, we thank the Federal Government for sending money to help be prepared, but do not tell us in a detailed way what to do with the money.

I had one fire chief from Missouri say his big fear is: They will send the money and I will need the dollars to buy a better communication system so

that in the event there is a terrorist-related disaster, I can find out where my guys and gals are and tell them where to go. My big fear is they will tell me I have to buy HAZMAT suits when I don't need HAZMAT suits, because we already have in Missouri a tremendous HAZMAT regional team that I would call if we ever had that problem.

This concern resonated with me. I said to myself, that is what the Federal Government will do. It will send them the money but then tell them what to do with it. Accountability is fine. It is fine maybe to have certain standards in certain areas that are off limits—maybe you do not want them to spend the money on routine personnel costs. But I am a big believer that our first responders are best prepared to handle disaster-related emergencies when they prepare themselves better just to handle emergencies. The kind of problems or threats associated with terrorist disasters are 80 percent the same as with any other disaster—fire, people being crushed or trapped in buildings. The better they are prepared to do their job on a day-to-day basis, the better they will be prepared to protect, help, cure, or get us loose from some terrorist-related disaster.

After I came to the Senate, I found out in large part we have, unfortunately, done exactly what they were afraid we were going to do, which is send them the money with so many strings attached that they do not have the flexibility to use it the way they want.

We had an example of this in Missouri last year when Senator BOND and I were contacted by the local Jewish community in St. Louis which was hosting the Maccabi Games—like the international youth Olympics for Jewish youth from around the world. Those games drew over 5,000 young Jewish people from around the world. The Maccabi Games were an obvious target for a terrorist threat—that is just a matter of common sense—and there were a lot of extra costs associated with protecting the games.

The local hosts wanted some of those costs reimbursed. We certainly understand that. We tried to get money that had already been assigned to the State of Missouri reprogrammed or changed so they could use it for this obviously necessary purpose, and we could not. The statute was too closed to let the money be reprogrammed, despite the best efforts of Senator BOND and I.

It turned out that the Maccabi Games went on without incident, and we are all very grateful. But the problems remain for the discretion on the part of the Secretary of Homeland Security and the Director of the Office of State and Local Government Coordination to at least have the authority to entertain a waiver application by States to reprogram dollars where, at least, some unexpected need arises.

I joined with Senator COLLINS in cosponsoring legislation to that effect. I offered a sense-of-the-Senate resolution on the Homeland Security appropriation which did get adopted by the Senate and had a colloquy with Senator COCHRAN at the time about the need to follow up on this issue. I was very pleased to cosponsor with Senator COLLINS, an amendment that, among other things, does create that kind of waiver authority for the Secretary of Homeland Security and for the Director to help out in instances such as that.

I congratulate the Senator from Maine for her interest. She has heard the same things I have heard. She knows the need to do something about it. I am very pleased that with the adoption of that amendment, we have taken a step in that direction. It is not as far as we need to go, in my judgment. We can trust our first responders more than we will trust them even with this amendment becoming law—and I hope it does become law—but it is a step in the right direction. I will keep working in that direction. The people of Missouri and the people of the country will be better off as we make progress toward that end.

To reiterate, as I have traveled across the State of Missouri discussing homeland security, nearly every police chief and every first responder has told me the same thing: Don't tie our hands on how we are going to use money you give us. Leave us some discretion on how to use those funds. At the same time, the Department of Homeland Security asserts it must tightly control how every dollar is spent. I appreciate the need for accountability given the department's mission. I also appreciate that in many instances our first responders know best how to allocate these funds and that sometimes very legitimate concerns fall outside the narrow spending guidelines of the department.

For example, in St. Louis last year, our local Jewish community hosted the Maccabi Games, an international Jewish Youth Olympics, which drew over 5,000 Jewish youth from around the world. Given the security environment, Missouri's Homeland Security Office threat assessment team stressed the need for greater security but lacked the latitude to reallocate even a modest sum from the monies awarded to the State. Despite all of our efforts here, they were unable to free up dollars to provide for the necessary security.

Thankfully, the event ended without incident, but it still illustrates the need for discretion on the part of the Secretary and the director of the Office for State and Local government Coordination to approve waiver applications on the part of the State to reprogram some of their Federal grant homeland money when some new kind of security issue arises that was unforeseen when they originally applied for those grants.

Last year, I engaged in a colloquy on this floor with Chairman COCHRAN on this issue and have been working since arriving in the Senate with Chairman COLLINS to craft language that would provide State and local governments with flexibility in the reallocate a portion of homeland security grant funds based upon the changing threat environment. Last week I successfully offered an amendment to the Department of Homeland Security Appropriations bill that addressed this issue.

I am pleased that Senator COLLINS has included in her amendment language that we worked on together over the past year to provide the discretionary authority needed by the State homeland security officials.

Ms. COLLINS. I appreciate the leadership of the distinguished Senator from Missouri to allow greater flexibility for State and local officials in spending homeland security grant funds. I agree that greater flexibility is needed to use homeland security funds to meet special security needs. I am pleased to include in my amendment language Senator TALENT and I have crafted over the past 18-months which last week he made the subject of a sense of the senate resolution granting authority to the Director of the Office for Domestic Preparedness to approve the reallocation of funds available to State homeland security officials in unspent homeland security funds. I am confident that this language would allow State and local officials to reallocate homeland security grant funds to provide greater safety for special security events like the Maccabi Games. Senator TALENT has been tireless in his efforts to pass his measure and achieve this flexibility to help local first responders and I am proud that we could include it in this amendment. I look forward to continuing to work with the Senator from Missouri on this important issue.

Mr. TALENT. Mr. President, I will make a comment or two on the bill as a whole. I will not hold the Senate up a long time. We are trying to get this bill done, and I fully support that.

There is an area of the bill I would like to register, for the record, concern on the part of this Senator. Probably the bill's managers will recognize the legitimacy of that concern.

First, I want to say how much I have appreciated the work by the Senator from Maine and the Senator from Connecticut on this bill. I have enjoyed this debate and enjoyed the part that I played in it—not that it has been significant but just attending the briefings, visiting with the Senators on and off the Senate floor. In my work on the Armed Services Committee, we have had hearings on this subject.

This has been handled in the way the American people like to see the Senate handle things. It has been bipartisan in the best sense of that word—not that we have tried to conceal legitimate differences of opinion that sometimes separate the two parties, but because we have understood that the right way to deal with those differences is to reconcile them where we can, to have

them out without being personal or political about it, and understand we are all working for the good of the American people and the security of the country.

We can all agree, having been here now through almost this entire Congress, that unfortunately, the Senate does not always operate in that ideal fashion. I believe it has operated in that way on this bill, and the leadership of the two Senators is the reason. It is clear from listening to this debate and watching it on TV in my office that both of these Senators have done their due diligence. They know their subject. There has not been a point raised that they were unfamiliar with. That has been very impressive to me and has led me to decide that I am going to give them the benefit of the doubt on amendments that are offered because clearly they have studied this. It is not a case where they are refusing to consider any concern or looking down on a Senator who is raising it.

It is important for the public to know that personal factors like that can play a part in legislation. The trust and regard in which these two Senators are held by the rest of the body is making a difference.

I also agree with them that it is time to do something; that 3 years is long enough. Some people say 40 years, because there have been a number of recommendations for changing how we do intelligence over the decades. I think it is time to get something done. I agree with that.

I also like the creation of a national intelligence director. I do wish we could have come up with a different name than NID. Imagine how often that name is going to be used and what it may come to represent in Washington, but it may be too late to do anything about that.

For some reason, I do not think people have aired on the floor—and I want to; it is a practical reason—there are times in our history when foreign policy and national defense are bigger issues than at other times. The American people in the United States of America are a people who are concerned with their day-to-day lives. That is as it should be. We would rather, if we could, avoid having to engage extensively in these tremendous efforts abroad and in all the foreign policy discussions and reconstructions that go with that.

In our elections, sometimes we elect Presidents in a context where foreign policy does not seem to be all that important. I think it is another way of saying some Presidents are more interested than other Presidents in intelligence on a day-to-day basis. I do not say that to be critical. I do not think there has been a President who has ever served in that high office who has not cared about the security of the country. But I think people here understand what I mean.

Now that we are fighting this terrorist war, we all read stories about intelligence. We know how important it is. We are all following it on a day-today basis. Everybody wants to serve on the Intelligence Committee or the Foreign Affairs Committee, and that is fine. But in other times, attention and interest wanes.

I think by having a national intelligence director, what we will help ensure is that even in those times when interest is waning on the part of other high-level political actors, maybe even the President, we will have somebody in Washington whose job it is to look at all this in a comprehensive way, and try to make sure the agencies under him or her are working together on behalf of the interests of the American people, in a way rather like we have done with the Federal Reserve, where we have created an agency and we have vested a lot of authority in a Chairman of the Federal Reserve. We know that person is watching monetary policy and other policy.

Over time, what has happened is Presidents of both parties and under all circumstances realize that appointments to that kind of job are very highly scrutinized, and you put in people who have prestige and gravitas and the regard of people of both parties and the regard of the country.

It is my hope that will happen with the national intelligence director. Presidents, whether foreign policy is the No. 1 concern for them or not, will know this is an important appointment and they need to put somebody in this position, from administration to administration, who has the regard of everybody in the country, who watches and knows about foreign policy and about intelligence. That will help create a stability over time and a continuity in our intelligence policy.

Now, I am not downgrading the concerns people have expressed. There is always a tension in this kind of thing. You cannot create and set up a higher authority such as this without increasing the risk that if you get a person in there who is very autocratic, it may tend to create a certain kind of groupthink among the agencies even more than we now have, that people could be acting in way that is designed to please only this national intelligence director rather than trying to have their own opinions regarding intelligence. But there are safeguards in the bill designed to deal with that. I certainly have had some concerns along those lines, but I am going to exercise the benefit of the doubt in favor of supporting the creation of a national intelligence director.

There is an area, though—and the Senators have addressed it; I think perhaps they could again in response to my remarks—I am concerned about the flow of intelligence to the troops in the field. Here is the kind of classic situation I am concerned about. We have, of course, an extensive satellite system in place. We get intelligence all the time from those satellites. Particularly since the first Gulf War, the Department of Defense has become pretty good at getting that intelligence off the set satellites and getting it out to the field in real time. That means virtually instantaneously, so that it can be used by our special operations troops, by commanders in the field to check and select targets. This kind of mapping and satellite intelligence can be used even to move troops around during some kind of an engagement. It works pretty well. I know that for a fact.

I think one of the reasons it does work is these agencies—the National Reconnaissance Office, the National Geospatial-Intelligence Agency, the National Security Agency—are in the Department of Defense and the customers they are serving with that intelligence are in the Department of Defense. It is very reasonable to believe that if the provider of the intelligence and the customer of the intelligence are in the same Department, the same bureaucratic structure, they will share intelligence better.

If that were not true, then why are we doing this bill? Because the whole point of the bill is to get all these intelligence agencies under some kind of joint authority so they will share better. In most cases, I think it is very clear how the bill is doing that, that the bill is breaking down existing bureaucratic barriers.

But I do think we all ought to be honest enough to admit with respect to this particular kind of sharing, we are setting up a bureaucratic barrier that does not exist now, because we are going to pull those agencies out of the control of the Department of Defense and put them under the national intelligence director, at least partially. So there is at least a risk we will put up a stovepipe in the name of taking down stovepipes, that we will put up a stovepipe in an area where the sharing is working. It would be ironic if one of the effects of the bill were to interrupt the sharing of the intelligence in the one area where we have confidence now that it is being shared.

Now, I feel a lot better about this concern than I did when I first heard about this bill. I know the Senator from Maine and the Senator from Connecticut have put measures in the bill designed to ensure that flow of intelligence continues. I am glad they have done that. I am glad they recognized the importance of this concern, because it is going to grow as time goes on.

Let me give you an example. We are trying, on the Armed Services Committee—and both Senators serve on that Committee, so they know this as well as I—to make all the various what we call weapons platforms for the Army network-centric. What this means is they will all be networked in, so that we hope in the near future intelligence from a satellite will not even have to go through a middleman at the NGA or the NSA, it will go directly

from the satellite down to the commander in the field. It is very important that we procure weapons systems and platforms and communications systems and signal intelligence systems that are all linked together.

This bill, for example, gives procurement authority to the NID over the satellite end of those systems. So we are going to have the NID procuring the satellites, the platforms that are getting the intelligence. We are going to have the Department of Defense procuring its end of the platform that is going to be receiving the intelligence, and there is a danger we will end up with a stovepipe we do not want.

I am not saying this is a reason to oppose the bill. I am not saying it is a reason to change the bill. I am saying it is a concern. I guess what I would say to my friends from Connecticut and Maine is, if they could give us their assurance that not only in the passage of the bill but in the implementation of it, and in the months and years after that, they will remain conscious of these concerns and try to ensure a free flow of intelligence from these various intelligence organizations out to the troops in the field, even though they will no longer be in the same bureaucratic organizations.

Maybe the Senator from Maine would yield for a question from me or have a brief colloquy, if I can ask consent to do that.

I have been airing the point you and I have talked about privately, and you have addressed on the floor as well, about the importance of making sure that tactical military intelligence continues to flow from the NGA and the NRO and the others out to troops in the field.

I was telling the Presiding Officer you all have done a lot to allay my concern in that regard. What I was hopeful of, and I wanted to put on the record, is to get assurance from you and the Senator from Connecticut that in implementing this bill you will continue to oversee this aspect of it and try to make certain the NID understands the importance of acting jointly with the DOD in ensuring that this intelligence continues to flow. Because no matter what protocols you put in the bill, this is a fruitful area for oversight to make certain that this intelligence is not interrupted. Would the Senator from Maine care to comment?

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am pleased to give the assurances the Senator from Missouri is seeking. He and I, as he mentioned, along with my friend from Connecticut, serve on the Armed Services Committee and have a deep commitment to making sure that our men and women in the military receive the real-time, actionable intelligence they need to be effective. Nothing in this bill would in any way hinder the flow of intelligence from NSA to the combatant commanders to the troops on the ground in Iraq and Afghanistan—nothing.

In fact, as the Senator from Missouri knows, we opposed an amendment last week which would have undermined the relationship between those defense agencies and the Secretary of Defense by essentially moving them out of the Pentagon—not physically but from an authority standpoint—and having them only report to the national intelligence director. We recognized that we need a dual reporting, that these agencies are providing critical intelligence to our troops and to Pentagon officials as well as to the rest of the intelligence community.

I agree with the Senator that vigilant oversight is going to be necessary to make sure this is implemented in the manner we intend. But I must say, given the clear language of the bill, given the fact that tactical intelligence assets are completely exempted from the NID's control, and given the fact that any NID is going to be committed to providing excellent intelligence to our troops, I can't imagine the bill having the negative impact that he might feel.

Mr. TALENT. I have been much reassured by the debate, by your comments, and by my further thinking on the subject. I do think it is unlikely that any national intelligence director would not be sensitive to this. And given the congressional concern that has been expressed, if he or she were insensitive, we certainly could do something about it.

To give an example—and I shared this with the Senate—on procurement, you know the extent to which we are trying to procure network-centric type platforms for the Army. And since now the various satellite agencies would be under the procurement authority of the NID, it would be important early in this process to get some kind of memorandum of understanding or protocol so there would be a joint type procurement process to make certain that what the Army was doing to get network-centric receivers was compatible with whatever the NID was procuring for satellite.

I expect there will be a number of instances in practice where it will be useful for all of us to be aware on a continuing basis of this concern and trying to make certain that they work together, as we did with Goldwater-Nichols. There is an example of a congressional enactment and oversight that has increased the joint process.

I don't offer these remarks in hostility to the bill but to put on the record again the importance of this, to make clear your intent and the intent of the Senator from Connecticut in this regard. I would be happy to have the Senator comment further.

Ms. COLLINS. Let me indicate to the Senator from Missouri that I very much appreciate his concern in this area. There is no greater advocate for our troops than he. I join with him in an assurance that we are going to watch this very carefully. The language of the bill is very tightly and carefully drafted. The commitment to our troops is there. There is nothing in this bill that would in any way hinder military operations, readiness, or the flow of real-time, actionable intelligence to our troops. That is essential. The Senator has my commitment to continue to monitor this very closely.

Mr. TALENT. I am grateful. I don't know if the Senator from Connecticut wanted to say something now or later. I am not inviting you to admit a concern that you don't think is in the language of the bill, that would suggest a weakness in the bill that you don't believe is there. It is just that any change in structure like this has the potential, if we are not careful, to interrupt that flow. I am pleased about your reassurances. I won't make you say it for the 15th time. I will just reclaim my time and close briefly. It has been a pleasure to participate in this debate and to watch how my friends from Connecticut and Maine have handled it. I do think it is time to do something. I had concerns. I had concerns about the speed with which we were acting. I think we can all concede the honesty of those concerns. I do believe, however, for the reasons I have indicated, that we ought to move forward. I think we can, while guarding against the dangers that are present whenever you have a major change like this. There is a lot about our intelligence system that is working. We do want to be careful that in trying to fix the parts that aren't, we don't cause problems for the parts that are working.

The Senators from Maine and Connecticut have done a good job in guarding against that. I congratulate them on their work. Again, I am pleased the Senate has adopted an amendment which finally takes a first step toward allowing our first responders, our State and local officials on whom we depend, to have discretion in where they are going to use these homeland security grants the country is giving them.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, before the Senator from Missouri leaves the floor, I thank him for his statement. I thank him for his kind words about Senator COLLINS and me, which she certainly deserves and I am glad to be along with her on that ride.

I thank him for the specific question and assure the Senator on my behalf, one, that Senator COLLINS and our committee were focused throughout the deliberations on making sure this substantial reorganization of our intelligence assets not in any way diminish the availability of intelligence to the warfighter. In fact, in the best of all situations, we believe the recommendations that we have made will improve intelligence to the warfighter.

By way of reassurance, I want to quote from GEN Michael Hayden, Director of the National Security Agency, who said in testimony before the other body:

An empowered national intelligence director who would direct authority over the national agencies should not be viewed as diminishing our ability or willingness to fulfill our responsibilities as combat support agencies.

He was speaking on behalf of the three.

It was quite illuminating, in talking to General Hayden and others. They are in direct daily contact, particularly with the combatant commanders. They have people out in the field right now with those combatant commanders, particularly in the most active areas of the world, such as the central command, which includes Iraq and Pakistan. After having described that close integration of national intelligence assets with the warfighters, General Hayden concluded:

It is inconceivable to me that any future leader of the National Security Agency could or would ever act any differently.

GEN James Clapper, head of the NGA, National Geospatial Agency, expressed exactly the same sentiments to us.

I want to reassure the Senator from Missouri, more to the point of his question, that to the extent we are able—and I am sure if we are not, the Armed Services Committee will—we will definitely keep a close eye as this new system is implemented to make sure our intention, which is that this reform improves intelligence for our warfighters, in fact is being realized.

Mr. TALENT. I can see how that would happen, and we should not accept something that is working fairly well if we think we can make it better. It may be possible by moving these agencies into the NID for budgetary purposes that they will get a higher priority than they get now with the DOD which does not see itself primarily as an intelligence department. I can see potential pluses to this. I just thought it was very important that the record show the concern about this is not only deep with you two as the managers but also all throughout the Senate and the Congress, that there are many of us who are familiar with this and who know this current system is working, certainly working much better than it used to.

I hope whoever is going to be the national intelligence director—I certainly will bring this up in the confirmation process, and I hope you two do as well—knows we want his cooperation and will continue to want this to be a priority.

I thank the Senator for his comments.

I yield back my time.

Ms. COLLINS. Madam President, I am very pleased to see the Senator from Minnesota is on the floor. Senator COLEMAN has been one of the most diligent members of the Governmental Affairs Committee on this issue. He came to virtually every hearing we had throughout the August recess, starting on the very first hearing on July 30. He is a cosponsor of the bill. He helped to write many of its provisions. I am very grateful for his leadership and support, and I look forward to hearing his comments.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. COLEMAN. Madam President, I express my deep gratitude for the kind words of the Senator from Maine and my gratitude for the incredible work she and the Senator from Connecticut did in pulling us together in doing a series of hearings—I believe eight—with countless hours of testimony, a very thorough review of the recommendations of the 9/11 Commission, and then an analysis of how do we take those recommendations and somehow move forward in a way that improves, increases the level of safety and security in this great country of ours. That was the challenge and it certainly is a challenge.

I think the chairman has been challenged with drafting a bill that represents a kind of balance here between ambitious reform of our intelligence services and the continuity of the existing intelligence assets we rely upon to keep our country safe. There was discussion during the hearings about the nature of change and some of the challenges of concern—a concern that if we are to make changes, is that going to make us more vulnerable during that period of time.

There was great thought that went into the balance we see in this bill: The balance between the creation of a powerful national intelligence director, on the one hand, and this concept of departmental autonomy on the other; and the right balance between centralization of the information sharing and the balance of civil liberties we cherish as Americans. How do you provide those protections without undermining the ability to do the hard work that has to be done in intelligence, and that keeps up the morale of those on the front lines every day making us safer—folks who, in many ways, are simply unknown; we will never know who they are. At one of our hearings, which was classified, even the name of the witness was classified. I sat there as a relatively new Member of the Senate listening to the incredible work that is going on day to day to keep our country safe. I was struck by that, and I am deeply committed to making sure as we move forward in reform that we keep the morale up and the appreciation up, that we strike the right kind of balance.

After hours of hearings and countless study, I believe the bill drafted by the chair and ranking member represents the kind of balance we need. Today and tomorrow, we are going to vote on a number of amendments that would unravel this carefully constructed balance by weakening the national intelligence director. I urge my colleagues to oppose any such efforts to undermine this balance.

I agree with the sponsors of these amendments that it is vitally important soldiers in combat get timely, accurate information that is relevant to their immediate needs. I also agree the military chain of command needs to be respected. However, I disagree on their interpretation of how the Collins-Lieberman bill would affect the armed services.

Last week, we debated and voted on an amendment that would have effectively removed several intelligence agencies from the Defense Department. We defeated the amendment because a strong majority of the body thought, as I do, that the Department of Defense needs to retain its combat support relationship with such agencies as the National Security Agency and National Reconnaissance Office. I think that vote reflects the importance we attach to the Department's role in intelligence.

The central finding of the 9/11 Commission was that prior to 2001, the safety of Americans was substantially weakened by the absence of a strong entity to make sure that the use of intelligence assets reflected national priorities and that the intelligence gathered was shared with officials who needed it, even if those officials were located in different agencies. I note that the Chair, on a number of occasions, talked about a George Tenet memo in 1998, where he declared war on al-Qaida and nobody knew about it. There were agencies throughout Government that never got this declaration of war from the head of the CIA. As the Commission put it, no one was in charge.

As I say that, I do want to say, having listened to the testimony, today we have a new level of cooperation and collaboration between those involved in intelligence gathering. And because of that new level of cooperation and collaboration, we are moving forward and this country is safer today than it was on 9/11. But the reality of the case is that with no one in charge, institutional silos arose to prevent important pieces of information from being collected into an overall threat assessment that might have alerted officials to the danger we faced.

So it is clear to me, and as recommended in this bill, we need a strong national intelligence director, strong enough to enforce common policies throughout the intelligence community whenever and wherever intelligence collected by one agency might be useful to another. We do not need a mere coordinator. That is what we have now; we have a coordinator. We need someone who can focus resources and attention on the most vital threats, national priorities. That person can only succeed if we give him or her the strong powers they need over the budget and personnel.

I have heard members point out that the 9/11 Commission did not point to any institutional policy that prevented the sharing of information. The argument is, if we can do all this today, why do we have to make institutional

change? They argue the problem is due to individuals who failed to perform their jobs by failing to convey information they were supposed to share. It is true that the commission's report discusses several specific instances of this type of bureaucratic behavior, and in the end things that should have been done were not done, none of which seem to have led to disciplinary action. Nevertheless, there were policies such as the wall between domestic and foreign intelligence that inhibited the full sharing of information.

But even that is not quite the full story. It is my belief such insular behavior will always exist, unless and until we have a strong national intelligence director who can effectively enforce common information policies. That is what the Collins-Lieberman bill creates. That is why keeping these powers is so important.

In the committee markup, the Senator from Michigan pointed out instances where language could have been made clearer. I agree with him that clearer lines of authority are important. But I fear that the amendments being offered today are not mere clarifications but, rather, represent a fundamental tip in the balance and will result in erosion of the power of the NID.

I believe the Department of Defense will have a strong role in the new intelligence constructs that the Collins-Lieberman bill creates. The DOD will retain full authority over tactical intelligence. It will have a seat at both the National Counterterrorism Center and the Joint Intelligence Community Council to argue for institutional interests and ensure that its needs are met.

The bill also leaves direct, day-to-day command of the Department of Defense intelligence agencies with the DOD. Most of the staff of the intelligence agencies will remain uniformed service men and women. The Department will remain the intelligence community's largest consumer of information. The Secretary of Defense will remain one of the most senior members of the Cabinet, with close communication with the President.

If we are going to create a NID with actual clout when it comes to enforcing common intelligence standards, the NID must have the ability to transfer funds and personnel within the intelligence community. Witness after witness came before us and said: With budget authority, there is power. Whoever controls the purse has power. We understand that in this body. He or she must be able to move assets where they are needed most and ensure full compliance with communitywide requirements. The chairman of the 9/11 Commission has admonished Congress, saying, ''If you are not going to create a NID who has the powers of budget and appointment, don't do it.'' These powers are necessary to ensure that intelligence gathered by intelligence agencies reflects national priorities and is shared among all parts of the Government that need it.

The Collins-Lieberman bill gives the national intelligence director a number of important powers. He is supposed to develop common policies of personnel, budget practices, information networks, security classifications, and communication systems. If we want him to succeed in these tasks, we must also give him or her the powers to accomplish them.

This body voted last week to retain day-to-day control of the Defense intelligence services with the DOD, and I supported that sentiment. But since the NID will not have direct day-to-day control, it is even more important that he have the ability to transfer money and personnel.

We all know that bureaucracies have a natural tendency to resist change. So the question is, Will the national intelligence director be able to enforce his policies in the face of the inertia that normally characterizes existing agencies? Not unless everybody knows he is in charge of the resources and has the power to shift them according to agency performance and his evaluation of needs.

The bill contains numerous provisions to ensure that this power is used responsibly. We make it clear that only the national intelligence director can make these transfers of resources and personnel. We also retain Congress's authority to approve transfers before they occur. That way, it will be clear who is responsible for them and who will have to justify them. We create the joint intelligence community council made up of the users of intelligence, including the Secretary of Defense, to advise and evaluate the national intelligence director.

We require the NID to notify Congress, including the Committee on Armed Services, whenever there are transfers of personnel to or from the Department of Defense. In light of these protections, it is extremely unlikely that the intelligence community will fail to support our armed services. In fact, it is stronger than that. It simply is not going to happen. We have set in place the kind of measures, the kind of safeguards, the kind of oversight, the kind coordination that will ensure the needs of the armed services are met. The intelligence needs of the armed services will be met.

Another amendment would remove the section of the bill that would disclose the total funding for intelligence. I must respectfully disagree with those who believe this disclosure will harm our national security.

Again, this was an issue in which we had very clear testimony before the committee. By the way, after all, reliable estimates of this number already appear in the trade press. Moreover, the 9/11 Commission recommended going further. They wanted to disclose the totals for each agency. But here we have a balance.

In our history as a nation, we have found the benefits of disclosure usually outweigh the costs. What we have in the way of disclosure makes policymakers accountable to their actions. But again, we have struck a balance.

I note in his testimony before the committee last month, then-acting CIA Director John McLaughlin agreed that declassification of the top line figure would make sense. He testified:

> It reinforces responsibility and accountability on those receiving the money, because you can see whether it's going up, down, or so forth. . . . It also does the same thing for Congress. . . . I don't think declassifying the top line would be a major security threat.

Given all this, it is difficult for me to believe that disclosure would weaken our safety in any meaningful way. It would, however, lead to more open debate about how much we need to spend to keep America safe, and I think that is a good thing.

There are also proposals to exempt military personnel from the national intelligence director's transfer, detail, and assignment authority. I can understand the desire to maintain the military chain of command, but if we want the national intelligence director to develop and enforce common intelligence policies even in the face of agency silos, then he or she is going to need to draft his or her own players and make sure they are playing on the same team. When the national intelligence director transfers a soldier out of an intelligence agency, that soldier returns to the Armed Forces where he or she will be, once again, safely in the chain of command. But as long as they remain in the intelligence community, they are responsible for meeting the needs of the entire community, not just the Department of Defense, and that is why that individual must have the confidence of the national intelligence director.

There is a second reason for keeping personnel authority in the national intelligence director. We all agree on the creation of a National Counter-terrorism Center—there has not been a lot of debate over that—and intelligence centers that represent other national priorities. We mean for these centers to contain the best people from each agency. Assuming, for example, that the National Count-er-ter-rorism Center consists of the best terrorism experts from each element of the intelligence community, it makes sense for it to be the forum for negotiating common policies and planning joint operations. But in order to prevent each agency from creating its own counterterrorism unit and sending the NCTC only junior workers or workers sitting out their final years until retirement, the national intelligence director must have the power to bring the best and the brightest to the National Counter-ter-rorism Center.

I note that the Chair talked about her visit to the current TTIC, the Terrorist Threat Integration Center, the forerunner of the NCTC. She noticed

how young some of the personnel there were. At this stage in time, it is not seen as the best place to be, but with a strong national intelligence director and a clear National Counterterrorism Center, we want the best and the brightest, and the national intelligence director should have the right to bring those people to the table to work with him or her.

Finally, we will vote on amendments that would take one agency or another out of the definition of ''national intelligence program'' and thereby move their budgets away from the national intelligence director's authority and back under the Defense Secretary's authority. This might be wise if we make the Secretary of Defense responsible for enforcing common intelligence policies and meeting the intelligence needs of the entire Government, but in that case we would not need a national intelligence director. In that case, we ought to also transfer the CIA into Defense.

On the other hand, if we want a strong coordinator of intelligence and we do not want that person to be the Secretary of Defense, then the national intelligence director must have the budget power over all parts of the intelligence community that service common needs. It simply would not make sense to break agencies, such as the NSA or NRO, up into pieces depending on whether this program or that fell into the national intelligence program. They should either be part of a coordinated approach to intelligence or they should be totally separate. I submit they are too important not to be brought into the national intelligence policy.

I note that even under the Collins-Lieberman bill, these agencies would remain under the day-to-day control of the Department of Defense. Most of their personnel will still consist of uniformed military officers. The relevant congressional committees will remain actively involved in ensuring the needs of the military are met, and the Secretary of Defense will remain a senior Cabinet member with a direct line to the President. With all this, it is difficult for me to believe that the intelligence our combat forces receive will diminish in any material way. It seems more probable that through better coordination and sharing, the Armed Forces will have access to better intelligence under the Collins-Lieberman bill than they would have in a watered-down version, and I think that is the key here.

In this post-9/11 world in which we live, where we understand the nature of the importance of intelligence, we must understand the importance of breaking down the silos that in the past prohibited folks from working together. It is clear we all will benefit. The Department of Defense benefits and the intelligence agencies benefit, but most importantly, the people of this great country benefit. When we have and will have a strong national intelligence director, a clear sense of somebody in charge with accountability and credibility, with the support and confidence of the President, we will all be able to sleep easier at night.

I urge my colleagues to resist the natural hesitation in the face of major change. Everybody likes change until it happens to them. The events of 9/11 changed the world, and we must change our mindsets in response. I believe the Collins-Lieberman bill represents the right balance and will make America safe.

I urge my colleagues to reject those amendments that would weaken the balance, that would weaken the strength of the national intelligence director.

Let's move America forward. Let's make the change. Let's support this bill.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I thank the Senator from Minnesota for his comments. As I indicated, he has been a key member in drafting this bill. I very much appreciate his many contributions and support.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I join in thanking the Senator from Minnesota. Senator COLEMAN really hung in there with us and did the hard work in July, August, and September, both in attending the hearings and in helping to draft a bill over a 2-day markup.

His statement today means a lot to us personally, but I hope and believe it will mean a lot to the other Members of the Senate because it is a strong explanation of why this bill is urgently necessary. People asked earlier: What is the rush? People today asked: What is the rush? The rush is, we were attacked on September 11. It is more than 3 years later, and Congress has not acted to adequately reorganize our intelligence assets community, which the 9/11 Commission told us, and everybody agrees, does not have a leader in charge.

Right now—what is his name?—Zawahiri, the second to bin Laden in al-Qaida, last week put out another tape urging Islamist terrorists around the world to attack America and Americans. So we are at war, and we are not properly defending ourselves. That is the urgency.

The Senator from Minnesota has spoken very eloquently today, both for the bill and against weakening amendments. That is really going to be the test over the next couple of days as we move to cloture and adoption of the bill. The bill is in good shape now. We have listened, we have negotiated with some people, accepted some amendments that we thought would not hurt the bill and would strengthen or clarify it. As the Senator from Minnesota knows, a line has to be drawn and some of these amendments take too much out of the bill and would hurt the purpose, which is to better protect the American people.

So I thank the Senator very much for what he has said, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I yield to the Senator from Michigan.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3825, 3809, AS MODIFIED, AND 3810

Mr. LEVIN. Madam President, I have a unanimous consent request, and I think I am following a pattern, at least I hope so. If not, I will withdraw. I ask unanimous consent that three amendments be called up and then be set aside so that they are in advance of cloture. I ask unanimous consent that amendment No. 3825 be called up and set aside. I also send to the desk a modified version of amendment No. 3809, which has been approved by the Democratic leader, which I understand the process is the modification and then that modified amendment will be set aside. Also, I ask unanimous consent that amendment No. 3810 be called up and set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3825

(Purpose: To permit reviews of criminal records of applicants for private security officer employment)

At the appropriate place, insert the following:

SEC. ___. PRIVATE SECURITY OFFICER EMPLOYMENT AUTHORIZATION ACT OF 2004.

(a) SHORT TITLE.—This section may be cited as the ''Private Security Officer Employment Authorization Act of 2004''.

(b) FINDINGS.—Congress finds that—

(1) employment of private security officers in the United States is growing rapidly;

(2) private security officers function as an adjunct to, but not a replacement for, public law enforcement by, among other things, helping to protect critical infrastructure, including hospitals, manufacturing facilities, defense and aerospace contractors, nuclear power plants, chemical companies, oil and gas refineries, airports, communication facilities and operations, and others;

(3) the 9-11 Commission Report says that ''Private sector preparedness is not a luxury; it is a cost of doing business in the post-9/11 world. It is ignored at a tremendous potential cost in lives, money, and national security'' and endorsed adoption of the American National Standards Institute's standard for private preparedness;

(4) part of improving private sector preparedness is mitigating the risks of terrorist attack on critical infrastructure by ensuring that private security officers who protect those facilities are properly screened to determine their suitability;

(5) the American public deserves the employment of qualified, well-trained private security personnel as an adjunct to sworn law enforcement officers; and

(6) private security officers and applicants for private security officer positions should be thoroughly screened and trained.

(c) DEFINITIONS.—In this section:

(1) EMPLOYEE.—The term ''employee'' includes both a current employee and an applicant for employment as a private security officer.

(2) AUTHORIZED EMPLOYER.—The term ''authorized employer'' means any person that—

(A) employs private security officers; and

(B) is authorized by regulations promulgated by the Attorney General to request a criminal history record information search of an employee through a State identification bureau pursuant to this section.

(3) PRIVATE SECURITY OFFICER.— The term ''private security officer''—

(A) means an individual other than an employee of a Federal, State, or local government, whose primary duty is to perform security services, full- or part-time, for consideration, whether armed or unarmed and in uniform or plain clothes (except for services excluded from coverage under this section if the Attorney General determines by regulation that such exclusion would serve the public interest); but

(B) does not include—

(i) employees whose duties are primarily internal audit or credit functions;

(ii) employees of electronic security system companies acting as technicians or monitors; or

(iii) employees whose duties primarily involve the secure movement of prisoners.

(4) SECURITY SERVICES.—The term ''security services'' means acts to protect people or property as defined by regulations promulgated by the Attorney General.

(5) STATE IDENTIFICATION BUREAU.—The term ''State identification bureau'' means the State entity designated by the Attorney General for the submission and receipt of criminal history record information.

(d) CRIMINAL HISTORY RECORD INFORMATION SEARCH.—

(1) IN GENERAL.—

(A) SUBMISSION OF FINGERPRINTS.—An authorized employer may submit to the State identification bureau of a participating State, fingerprints or other means of positive identification, as determined by the Attorney General, of an employee of such employer for purposes of a criminal history record information search pursuant to this section.

(B) EMPLOYEE RIGHTS.—

(i) PERMISSION.—An authorized employer shall obtain written consent from an employee to submit to the State identification bureau of a participating State the request to search the criminal history record information of the employee under this section.

(ii) ACCESS.—An authorized employer shall provide to the employee confidential access to any information relating to the employee received by the authorized employer pursuant to this section.

(C) PROVIDING INFORMATION TO THE STATE IDENTIFICATION BUREAU.—Upon receipt of a request for a criminal history record information search from an authorized employer pursuant to this section, submitted through the State identification bureau of a participating State, the Attorney General shall—

(i) search the appropriate records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation; and

(ii) promptly provide any resulting identification and criminal history record information to the submitting State identification bureau requesting the information.

(D) USE OF INFORMATION.—

(i) IN GENERAL.—Upon receipt of the criminal history record information from the Attorney General by the State identification bureau, the information shall be used only as provided in clause (ii).

(ii) TERMS.—In the case of—

(I) a participating State that has no State standards for qualification to be a private security officer, the State shall notify an authorized employer as to the fact of whether an employee has been—

(aa) convicted of a felony, an offense involving dishonesty or a false statement if the conviction occurred during the previous 10 years, or an offense involving the use or attempted use of physical force against the person of another if the conviction occurred during the previous 10 years; or

(bb) charged with a criminal felony for which there has been no resolution during the preceding 365 days; or

(II) a participating State that has State standards for qualification to be a private security officer, the State shall use the information received pursuant to this section in applying the State standards and shall only notify the employer of the results of the application of the State standards.

(E) FREQUENCY OF REQUESTS.—An authorized employer may request a criminal history record information search for an employee only once every 12 months of continuous employment by that employee unless the authorized employer has good cause to submit additional requests.

(2) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall issue such final or interim final regulations as may be necessary to carry out this section, including—

(A) measures relating to the security, confidentiality, accuracy, use, submission, dissemination, destruction of information and audits, and recordkeeping;

(B) standards for qualification as an authorized employer; and

(C) the imposition of reasonable fees necessary for conducting the background checks.

(3) CRIMINAL PENALTIES FOR USE OF INFORMATION.—Whoever knowingly and intentionally uses any information obtained pursuant to this section other than for the purpose of determining the suitability of an individual for employment as a private security officer shall be fined under title 18, United States Code, or imprisoned for not more than 2 years, or both.

(4) USER FEES.—

(A) IN GENERAL.—The Director of the Federal Bureau of Investigation may—

(i) collect fees to process background checks provided for by this section; and

(ii) establish such fees at a level to include an additional amount to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs.

(B) LIMITATIONS.—Any fee collected under this subsection—

(i) shall, consistent with Public Law 101–515 and Public Law 104–99, be credited to the appropriation to be used for salaries and other expenses incurred through providing the services described in such Public Laws and in subparagraph (A);

(ii) shall be available for expenditure only to pay the costs of such activities and services; and

(iii) shall remain available until expended.

(C) STATE COSTS.—Nothing in this section shall be construed as restricting the right of a State to assess a reasonable fee on an authorized employer for the costs to the State of administering this section.

(5) STATE OPT OUT.—A State may decline to participate in the background check system authorized by this section by enacting a law or issuing an order by the Governor (if consistent with State law) providing that the State is declining to participate pursuant to this paragraph.

AMENDMENT NO. 3809, AS MODIFIED

On page 28, between lines 19 and 20, insert the following:

(D) the personnel involved are not military personnel and the funds were not appropriated to military personnel appropriations, except that the Director may make a transfer of such personnel or funds if the Secretary of Defense does not object to such transfer; and

(E) nothing in section 143(i) or 144(f) shall be construed to authorize the National Intelligence Director to specify, or require the head of a department, agency, or element of the United States Government to approve a request for, the transfer, assignment, or detail of military personnel, except that the Director may take such action with regard to military personnel if the Secretary of Defense does not object to such action.

AMENDMENT NO. 3810

(Purpose: To clarify the definition of National Intelligence Program)

On page 7, beginning on line 20, strike ''that is not part of the National Foreign Intelligence Program as of the date of the enactment of this Act''.

Mr. LEVIN. I very much thank my dear friend from West Virginia, and I thank the managers.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I rise today to not offer but to talk about an amendment because things are in the works. Therefore, I can only talk, not offer.

The amendment, were it to take place, would be amendment No. 3712. Of course, it is to No. 2845, which is our basic bill. I think it is widely agreed that Congress has an obligation to ensure that the efforts of the 9/11 Commission to improve our system of homeland security is accurately captured by any legislation that we pass out of this body.

Last week, Senators MCCAIN and HUTCHISON offered constructive amendments on aviation security, but I believe my talking points offer the most comprehensive approach to improving aviation security, so I put them forward to my colleagues. I am pleased that Senator MCCAIN was an original cosponsor of my Aviation Security Amendment Act, which I am talking about today as if it were an amendment, which it is not, for the moment anyway.

My idea would be to take needed steps to make certain that Commission transportation security recommendations are reflected in the pending legislation faithfully.

The recommendations of the 9/11 Commission are wide ranging. They build on the work we did in the House-Senate joint inquiry in 2002. I strongly believe that we must reform our Government, our Congress, and our intelligence agencies to meet the threat of terrorism as has been eloquently discussed by the two floor managers on many occasions.

Although the recommendations for transportation security are a small part of the overall report, their importance cannot be understated. They are

sort of the most visible parts of security. I agree with the Commission's report when it states that targeting terrorists' ability to travel is a potent weapon against our efforts to protect against future terrorist attack.

In my position as chairman and now ranking member on the Senate Commerce, Science, and Transportation Committee's Subcommittee on Aviation, I have worked on many of these issues that face Congress after the terrorist attacks of 9/11.

I should point out that the Commerce Committee has looked at these issues and developed other recommendations in the years preceding 9/11. I also want to note that while we need to incorporate legislation consistent with the 9/11 recommendations, the report contains specific criticisms of the FAA prior to 9/11 that I do not believe are justified.

For example, the report criticizes the Administrator of the FAA for being more focused on the delays than on security prior to 9/11, but we all were. We addressed those needs collectively with a new process to expedite airport construction.

Unfortunately, I found it to be one area of the report that failed to put into context the actions of the FAA prior to 9/11 and what the congressional role was during that period.

Additionally, after TWA 800 went down in July 1996, we all know that we spent countless hours trying to develop measures for aviation security. That was well before 9/11 by 5 years. Ultimately, we mandated that more equipment and canine teams be dispatched as quickly as possible, but clearly the events of 9/11 have required an even more comprehensive approach.

I have worked closely with Senators MCCAIN, HOLLINGS, LOTT, and many others over this period to take action to help ensure that the events of 9/11 are not repeated. Congress has passed a number of landmark bills to address critical needs in filling gaps in our aviation security. While the legislation that passed in the days immediately following the terrorist attacks was responsive to the crisis our aviation system faced, these laws primarily addressed the immediate needs we had regarding commercial passenger airline security, including aircraft passenger and baggage screening. I believe we have a much improved aviation security network because of the laws that were adopted. Improving aviation security is a continuous process, an expensive process, and we must continue to make improvements to our aviation security network. I think we all know much more needs to be done.

Over the last 3 years, TSA, the Transportation Security Administration, has had an appropriate opportunity to get up and running. It was awkward at first. They are much better at it now. I, along with my colleagues on the Commerce Committee, have conducted numerous oversight hearings on TSA and aviation security, a number of them in closed session. Because of this oversight and our understanding of the transportation system, we were better able to understand where we had made progress and identify what more work needed to be done about aviation security.

To further address these needs, Senators MCCAIN, HOLLINGS, and myself introduced S. 2393, the Aviation Security Advancement Act, which included measures to tighten air cargo security and bolster other existing programs.

As we know, after the 9/11 Commission was established, they began a complete review of the events surrounding 9/11 and the requirements that would be necessary for a comprehensive strengthening of all of our homeland defense. When this report was released in July, it contained specific recommendations regarding transportation security, along with express concern about cargo and general aviation security. Both cargo and general aviation security have been subjects considered at hearings before the Senate Commerce Committee this year, and I introduced S. 2393 in an effort to make these issues a focus of Congress.

Last week, there was the amendment that I am talking about—not offering but talking about—which would do the following: Standardize the Federal screener workforce to properly address staffing needs and promote more efficient and effective screening at airports; require DHS to consider coordinating aviation-security-related functions to improve efficiency and effectiveness of passenger screening; increase funding for all-cargo aviation security to establish an improved security program and to promote the use of improved technology for cargo screening; provides an additional $450 million to fund priority capital security projects at airports; develops a streamlined baggage screening system by requiring a schedule for the in-line placement of explosive detection systems; it bolsters the Federal Air Marshal Program; advances the development of biometric technology for precise identification of workers and travelers; and improves perimeter security at airports by authorizing more than $20 million for TSA to develop biometric technology and fund a biometric center of excellence.

I believe these changes significantly improved the underlying legislation and have left us with a product that speaks to many of the problems that the 9/11 Commission found and which continue to exist in our airport transportation security network.

As I indicated, this is all in some flux now. It is being worked out with the floor managers. I simply thank my colleagues and the Presiding Officer and the two floor managers for allowing me to speak on what I think would be potentially quite a helpful amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I thank the Senator from West Virginia, Mr. ROCKEFELLER, for talking about this amendment at this point. I know he has not officially offered it yet.

We are talking to him about it. I think this amendment responds to many of the recommendations made by the 9/11 Commission to strengthen aviation security. I very much appreciate the provisions of this amendment. We are trying to work out the authorization level that is included in the bill, but my overall reaction to his proposal is very favorable.

I know it has been reported by the Commerce Committee and cleared by the chairman and the ranking member of that committee. As usual, it reflects the Senator's thoughtful consideration of homeland security issues.

I very much have appreciated his advice throughout this debate, and I am hopeful that shortly we will be able to have him officially offer his amendment, perhaps with a modification, and we would be able to accept it.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Senator COLLINS has spoken exactly for me as well. I look forward to working with the Senator. It is a good amendment. There is one part that doesn't go to the heart of it, and we hope to look over it for a bit more and then I hope before along we can accept the amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I rise first to congratulate the committee on the hard work they have put into this bill, in particular Senator SUSAN COLLINS, who I think has done a wonderful job. This was a very difficult situation. She and Senator LIEBERMAN have led the committee in an admirable way. What I have to say is just what I hope will be seriously considered as the bill moves its way through to final completion by the House and Senate, ultimately to be in a form that can be signed by the President.

I rise to discuss one aspect of the bill concerning privacy and civil liberties. The bill before us has many appropriate suggestions for reforming our intelligence activities. Part of this reform includes the transformation of the Central Intelligence Agency and the enhancement of the human intelligence capability. We have heard over and over again that we must increase our human intelligence. Almost every time we get in a situation where we wonder what is happening in some country—even sometimes when we are engaged in war—we ask, Do we know this? Do we know that? The answers are we should, but we don't because we don't have anyone there. We don't have anyone on the ground. That wasn't always the case, but it has become a growing difficulty.

Actually, I think we should be getting better and better at it. What concerns me is that part of this reform in this bill includes the transformation of the Central Intelligence Agency and its enhancement of human intelligence, as

I said, but this reform in human intelligence is very critical because we must get better at it. But, simultaneously, we must not inhibit it with overreaching privacy and civil liberties provisions that may have a chilling effect on such activities.

Simply put, I believe these provisions send a wrong message to our professional intelligence officers. Clearly, the 9/11 Commission report includes recommendations highlighting the need for adequate supervision of executive branch powers in order to protect civil liberties. As a modern democracy, we cherish individual rights and understand the importance of creating institutions with a clear mandate for protecting those civil rights. However, this bill establishes two officers in the National Intelligence Authority to oversee compliance of privacy policies and civil rights and civil liberties policies.

It also creates no fewer than eight similar officers for each of the executive branch departments and agencies concerned with national security. These officers would be required to recommend privacy and civil liberties policies and to:

periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that [they are] adequately considering privacy and civil liberties in [their] actions.

These officers are created in addition to an inspector general of the National Intelligence Authority. Clearly, insisting on all of these goes well beyond what is necessary and may well hurt our attempt to improve our human intelligence.

Our history of intelligence reform has many examples of sending wrong messages to our intelligence officers. The restrictions and bureaucratic oversight instituted in the past have often hampered the aggressiveness of operations and left our policymakers with less than a complete picture about critical intelligence matters.

The chilling effect that began with the Church hearings in the 1970s, while it did some things that were good—the chilling effect is long remembered. It has had a long, long effect.

The 1995 directive issued by former CIA Director John Deutch, which limited officers from including unsavory individuals, was also something that had enormous chilling effects and caused some difficulty in obtaining the kind of people we needed as the human resources we have been describing.

My concern is that excessive oversight established by this current bill will do the same thing, if not more. It will leave case officers who do human intelligence missions concerned that they cannot do their jobs to the best of their ability without worrying about being disciplined or somebody kind of looking over their shoulder.

Some people have called this reluctance by operations officers, by these officers, ''risk aversion.'' I don't know if that is the right characterization, but certainly we have had difficulties accomplishing certain missions because we could not get enough trained people on the ground in critical places throughout the world.

I am concerned that the oversight provisions of sections 126, 127, and 212 in this bill will continue to hurt us in this area.

Having said that, I believe removing these provisions would create a much better balance between the Government authority needed to protect America and the civil liberties we hold so dear. Removing these sections that create too many oversight positions would remove redundancy while maintaining the Privacy and Civil Liberties Oversight Board that was recommended by the national commission.

Once again, I believe this bill does a very good job of enhancing our intelligence system, but let us not undermine these positive steps before they have had a chance to work.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3903

Mr. ROCKEFELLER. Madam President, I rise today in opposition to amendment No. 3903, offered by Senator TED STEVENS. This amendment strikes the provision in the bill that calls for the disclosure of the aggregate amount of funding requested, authorized, and appropriated for the national intelligence program.

There is one of the fundamental reforms recommended by the 9/11 Commission and one that I have long supported.

The proponents of this amendment have made two central arguments. First, they suggest we are rushing into this decision without fully understanding the implications.

Second, they suggest that revealing the amount of overall spending could somehow damage our national security.

Let us address the first argument, that we are rushing into this decision. I must point out this is not a new debate. The Congress has been considering this particular question for at least a decade. In 1993, the Senate adopted an amendment calling for the disclosure of the aggregate amount of intelligence spending.

Let me repeat that the Senate endorsed the idea 11 years ago.

That effort and a subsequent attempt to make the top line public, which is what we are talking about—the total amount of the intelligence budget—in 1997 had the support of Senators SPECTER, Boren, and DeConcini, all of whom served as chairman of the Senate Intelligence Committee. We had a full and complete debate in 1993, and this issue has been reviewed, debated, and discussed numerous times in the intervening years. The argument that we are being rushed into this decision is an excuse being used to stop this important change.

Regarding the second argument, that disclosing the overall budget will damage our national security, I cannot cite a better source than the Deputy Director of the CIA John McLaughlin who testified last month that this important step would reinforce responsibility and accountability, not only for those receiving the money but for the Congress as well. In addition, Robert Gates and John Deutch, former Directors of Central Intelligence, have said that releasing the number would not damage national security.

Arguing that disclosure of the total spending for national intelligence would compromise our security and provide enemies with useful information about our intelligence programs ignores the reality of the current situation. While the number is in fact classified, it is widely reported in the press. It also was officially declassified for fiscal years 1997 and 1998 by former DCI Tenet.

Some have argued that the total amount is not the problem; it is the budget trends that need to be protected. Again, current practice undermines this argument. Every year when we do the intelligence authorization bill, the chairmen and vice chairmen in both Houses come to the floor and talk about whether we have increased or decreased the budget that year. Often those statements include specific percentage increases. These discussions and trends disclose nothing about the specific intelligence programs being funded.

The idea that our enemies can somehow determine something about our intelligence capability by knowing the total of what we spend is simply not accurate. Year-to-year changes in any specific program will not move the overall total number enough to give an adversary any indication of how that money is being spent.

In other sensitive national security areas, we disclose much more information without doing damage. We currently disclose an enormous amount of detail about our defense budget and military capabilities. The amount of money we spend on personnel, acquisition, and research and development is unclassified. Also available are the amounts for specific weapons systems, such as tanks, aircraft, and missile defense.

Even much of the spending in the defense budget for specific tactical intelligence programs is unclassified currently.

The disclosure of the total of the national intelligence budget is simply not an academic debate. This step is critical to many of the other reforms in

this bill which our floor managers are trying so hard to get done, and to some of the proposed congressional reforms we will be discussing later this week. Without a separate unclassified budget number, the fund for the National Intelligence Program will still need to be included in the Defense Department budget. This arrangement will hinder effective control by the national intelligence director and will restrict our ability to organize in a way to streamline congressional oversight, which is what the 9/11 Commission and our floor managers are seeking in their legislation.

To conclude, it will be virtually impossible to have a separate appropriations for intelligence without the declassified intelligence budget. If we do not take this step and make this number public, we are seriously undermining the reforms in this bill.

I urge my colleagues to oppose the Stevens amendment and support this key recommendation of the 9/11 Commission.

I thank the Presiding Officer and yield the floor.

Ms. COLLINS. Madam President, I thank the Senator from West Virginia for his very eloquent presentation.

As the Senator indicated, the intelligence budget's aggregate number has been made public twice by the DCI. So this is not unprecedented. But if the amendment offered by the Senator from Alaska were adopted, let there be no mistake of what the effect would be. The effect would be that the funding for the National Intelligence Program would still be funded through Department of Defense.

The whole purpose of this bill is to create a national intelligence director with significant authority, and the first and perhaps most significant of those authorities is the control of the budget. The only way you can give the NID true control over the budget is if you have a separate account that the NID controls. And we need to do that by declassifying the top level number.

We did not go as far as the 9/11 Commission recommended. The 9/11 Commission recommended declassifying the top lines of all the agencies' budgets within the National Intelligence Program. We did not adopt that approach. Instead, we are only declassifying the aggregate number for the entire national intelligence budget, a number I note is often estimated and reported in the newspapers today.

But the point I want to make to supplement the remarks of the Senator from West Virginia is if we do not do this, if we adopt the amendment offered by the Senator from Alaska, we will undermine a key reform in the bill because the intelligence budget is so big that if it is not going to be declassified, it has to go through the Department of Defense. There is no other agency or department that is big enough to conceal the total amount of the budget.

This is going to be an important vote which is coming up this afternoon.

Mr. DOMENICI. Madam President, when I delivered my short remarks in reference to the privacy and civil liberties provision, I failed to mention the other provisions in the bill that attempt to provide similar or corresponding type relationships. One is called the privacy and civil liberties oversight board. That is a very different thing within the purview of intelligence activities. It is almost political in nature. It is appointed by the President and confirmed by the Senate, three members of one party and two of the other.

It seems to me a very significant intrusion, perhaps, if one of those institutions will have a very chilling effect.

In addition to all of those I have mentioned, four, that is five; I mentioned six, that is seven; and now we have an eighth, which is an ombudsman, which seems, at least to me, to be a bit of piling on in this bill. You get one, and you think it is OK; someone has another; and someone has another. There is no criticism in that, but that is what it appears to me. We used to call that piling on when we went into conference where somebody seemed to be piling on because they have so many provisions affecting the same thing. But in this case, if that is what it is, it will have serious potential for repercussions that we don't want.

I thank you, Madam President, and the Senate for yielding me this time.

Mr. STEVENS. Madam President, I apologize for not being here earlier. I thank the managers of the bill, Senator COLLINS and Senator LIEBERMAN, and their staffs for the work that has been done over the weekend, which we will be hearing about soon, trying to meet us halfway in terms of some of the objections we have raised to the bill.

We will soon vote on amendment No. 3903, which the Senator from Maine has just discussed, declassification responsibility. This is an enormous step to take mainly because of the absolute lobbying and pressure from two people from the 9/11 Commission. I have talked to other members on the Commission who were not so keen about declassification of the entire intelligence budget other than Mr. Hamilton and Mr. Kean.

Clearly, it is a massive step. From President Truman to President Bush, every President of the United States has said do not declassify the top line of our budget. We have voted in the Senate many times since I have been in the Senate as Members have tried to do this, and we have uniformly turned down such a proposal.

Now it is in a bill for the first time. We must take it out. It requires 51 votes to take out. In the past, it took 51 votes to pass. We are in a different position now than we were before. Very clearly, because of the scope of this bill, we are doing something even more expansive than amendments that came before the Senate before.

Again, I call the attention of the Senators who will vote to the scope of the definition of national intelligence under this bill. It is a sweeping definition.

I ask that page 6, beginning on line 19, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(6) The term ''National Intelligence Program''—

(A)(i) refers to all national intelligence programs, projects, and activities of the elements of the intelligence community;

(ii) includes all programs, projects, and activities (whether or not pertaining to national intelligence) of the National Intelligence Authority, the Central Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the Office of Intelligence of the Federal Bureau of Investigation, and the Office of Information analysis of the Department of Homeland Security; and

(ii) includes any other program, project, or activity of a department, agency, or element of the United States Government relating to national intelligence unless the National Intelligence Director and the head of the department, agency, or element concerned determine otherwise; but

(B) except as provided in subparagraph (A)(ii), does not refer to any program, project, or activity of the military departments, including any program, project, or activity of the Defense Intelligence Agency that is not part of the National Foreign Intelligence Program as of the date of the enactment of this Act, to acquire intelligence principally for the planning and conduct of joint or tactical military operations by the United States Armed Forces.

Mr. STEVENS. My point is this: Included in intelligence are the top secret plans of this country. They are the planning for future devices and concepts that deal with interception of information. They deal with the ability to identify individuals. They deal with so many classified areas that I may be violating some rules by mentioning the two I mentioned.

All the money we put in this bill, hide in the intelligence bill, to stop anyone from knowing about it, has to be disclosed under this direction, to include everything, any program, project, or activity of any one of these agencies.

I plead with Members to think about classification. This is not routine classification of who is an employee of the CIA. That is bad enough, come to think of it. These activities are so far reaching, and with so many agencies, including the defense agency that deals with research activities. It has projects it is working on, which are so far out that may prove to be viable. They are part of the intelligence budget. They are classified. They are down in the black portion of the bill and are kept classified because we do not want anyone to know what we are researching and what we are developing. It would be included in this.

No amendment we ever looked at before would have done that, but because of the definition of intelligence in this bill it becomes all inclusive and there is no alternative.

Sometimes I think maybe I am just not able to communicate totally what I am thinking about this bill. It is far reaching to the point of having the ability to destroy intelligence capability to plan for the future.

There is no question about the right to know everything—except the secrets of the country. Aren't we allowed to

have some secrets? Do we have to disclose a number that encompasses the financing of secret activities, some so classified they are not even top secret; they are code word? You have to be cleared for the word. You have to be totally cleared. And there are very few people cleared for these activities. I don't think there are many people in the Senate who are cleared for code word activities.

Should we tell them what we are spending for code word activities? We do not even tell them the word—but we will have to print in the RECORD now, disclose in the top line of the intelligence budget, all of those activities.

I will speak later about it. Again, I implore the managers of the bill to think twice about this precedent we would be setting, reversing the votes in the Senate—reversing because now it requires 51 votes to take it out. In the past, it was 51 votes to get it passed.

This has shifted the burden from the intelligence people who want to protect the Intelligence Committee to the people who do not understand it, do not wish to really understand it. I am not being accusatory of my two friends. They have worked hard and are trying to understand, but some of us have lived a lifetime in trying to understand it. This amendment has to pass.

If we want to disclose the budget to the extent that it is not classified in terms of top secret or above, that is another matter. We can disclose a portion of the budget that is in the secret category, but when we get to top secret and above—no. If we include that, count me out. I cannot believe we would do that. I hope the Senator will listen to us later.

Mr. BURNS. Will the Senator yield?

Mr. STEVENS. I am delighted to yield.

Mr. BURNS. As I looked at this amendment and thought of making available the information of how much we spend on intelligence—not only are there operations we have to take into consideration, lives of people are on the line. We make them more vulnerable every day in their work, gathering intelligence.

Mr. STEVENS. The Senator is absolutely right.

Mr. BURNS. And I ask the Senator, has anyone determined what it does to the human assets, the people? They are the best we have. Are they willing to work for this agency to get the best intelligence we need?

Mr. STEVENS. The problem is, once we make available this top line they wish to disclose and then start through the budget on what you can find easily, pretty soon you come down to the portion of the budget that is in the classified sector, and then you start to pick it apart. You know what will happen. It will keep getting question after question after question.

But the people who risk their lives, who are foreign nationals, are paid from this budget. We are really going to put in there how much we are paying people around the world to spy for us? Are we naive enough to think we are not paying people? It would be in there. Unless the Senator disagrees with me, there is one little exception: unless someone decides otherwise. I am not sure what that means because it only refers to that one section. It is related to national intelligence.

Now, national intelligence is intelligence that is covered by section 5. It does not refer to counterintelligence or law enforcement activities conducted by the Federal Bureau of Investigation. It does not say it does not cover counterintelligence or activities of the CIA or the DIA, but it does for the FBI.

I think the problem is, the definitions of these programs are so specific now to this bill. But this one covers the disclosure of the total amount. That is what I object to.

Mr. BURNS. Madam President, I have drawn the conclusion that basically this destroys the network. And we wonder why we do not have human resources on the ground in some areas in the world and, yes, even in our own country. I will tell you, if this is disclosed, this will be one of the main reasons that we will have.

Mr. STEVENS. Let me tell the Senator one thing before I quit. I remember one morning I woke up and the New York Times had a picture of the Predator on the front page, and it disclosed that it was capable of carrying the Hellfire missile. If there was anything that was totally classified at that time, that was it, and there it was out there on the front page. Do you know what. About a week later, we missed several people in Afghanistan on whom we were trying to use the Hellfire missile. They knew it was already there. They knew it was armed by that time. Before that, it had not been armed and before that no one had the capability to arm it. But we developed a way to arm it, and there it was on the front page of the New York Times.

Now, this concept of leakage of the intelligence community's activities starts from the top line. I do not understand why we should reverse the history of this Senate. The Senate has never voted to disclose the intelligence budget—never.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I have great respect for the Senator from Alaska. He has always contributed to our country in so many different ways. I have great respect for his long experience in matters of defense and intelligence. I assure him of this.

He raised the question about whether the Senator from Maine and I understand what we are doing. Let me assure him, we understand. We have spent a lot of time studying this issue. The 9/11 Commission has spent a lot of time studying this issue. We disagree with the amendment of the Senator from Alaska. We have a difference of conclusion about policy, but we understand exactly what we are doing.

What we are doing is saying that the billions of dollars that are spent every year on intelligence is the people's money. Unless there is a national security reason not to tell them what the bottom line is we are spending, they have a right to know. One of the consequences of that is that there will be more accountability.

Acting Director of Central Intelligence John McLaughlin said to our committee:

> I think it would make some sense to declassify the overall number of the foreign intelligence program. It would reenforce responsibility and accountability.

This is nobody who was pulled in out of nowhere to run the CIA. He spent his entire career, more than 30 years, in intelligence.

Mr. STEVENS. Will the Senator yield?

Mr. LIEBERMAN. No. I would like to——

Mr. STEVENS. But you are using foreign intelligence. This is national intelligence. He talked about foreign intelligence.

Mr. LIEBERMAN. Excuse me, he talked about national intelligence before our committee. It is the bottom line, a gross number.

The colloquy between the Senator from Montana and the Senator from Alaska was interesting but bore no relevance whatsoever to the proposal in our bill. Do you think we would make this recommendation if we thought it would compromise the security of anybody in our intelligence community?

Let me ask you this: How would it? It is the bottom line. It is not even the 15 constituent agencies of the intelligence community. This does not compromise anybody's security any more than the Defense Department budget compromises the security of our soldiers, or the DEA budget, which is public, Drug Enforcement Agency, compromises the security of any of our drug enforcement agents, or the FBI budget. People in DEA and FBI are involved in very dangerous work.

Anyway, it is only the bottom line.

The PRESIDING OFFICER. Under the previous order, the hour of 4:15 having arrived, the Senate will proceed to a series of votes on pending amendments, with 2 minutes equally divided for debate prior to each vote. The first amendment is Senator BYRD's amendment, amendment No. 3845.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I want to explain to our colleagues what is going to happen before we proceed. There will be a motion to table the Byrd amendment. There will be 2 minutes equally divided and then a motion to table the Byrd amendment.

We have been able to work out an agreement on Senator WARNER's amendment. That will be the second matter we deal with. He will send a modification to the desk, and it is my hope to be able to adopt that amendment by a voice vote and vitiate the rollcall request.

Then there will be consideration of an amendment from Senator STEVENS having to do with the effective date. Again, we have worked out a compromise on that, working very hard throughout the weekend. I expect Senator STEVENS will propose a modification to his amendment, and that will allow us to clear that amendment by a voice vote.

We then will proceed to the Stevens amendment dealing with classification, which has been debated extensively. That will require a rollcall vote, and I will be moving to table it.

We then will move to another Stevens amendment where, again, I am pleased to report there is another compromise. It has to do with the interagency counterterrorism plans. Again, an amendment will be sent to the desk incorporating the compromise. I believe Senator STEVENS will be offering that. I anticipate being able to accept that on a voice vote.

So I want my colleagues to know that we have made considerable progress in accommodating concerns expressed by the Senator from Virginia and the Senator from Alaska. As a result, I see the need for two rollcall votes out of the five that were ordered. I hope that is how it will unfold.

The PRESIDING OFFICER. Who yields time with regard to the amendment?

Mr. BURNS. Madam President, I say to the managers of the bill, I would like to respond to the ranking member's assessment of why the funds should be disclosed. I ask permission to do that.

The PRESIDING OFFICER. Does the Senator yield time?

Ms. COLLINS. Madam President, I am wondering if perhaps that could be done in the 2 minutes on the Stevens amendment, since we have an awful lot of amendments to get through. I am very hesitant to cut off the Senator from Montana, but would that be acceptable?

Mr. BURNS. That will be fine. We might ask for a little more time.

Ms. COLLINS. OK. Madam President, we would now proceed to 2 minutes of debate equally divided on Senator BYRD's amendment.

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Madam President, seeing the absence of Senator BYRD, I ask the Senator, would you like to proceed to my amendment to take a little time while he comes to the floor?

Ms. COLLINS. Madam President, I think that would be a good idea. I ask unanimous consent that we proceed to Senator WARNER's amendment first while we are waiting for Senator BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

The Senator from Virginia.

Mr. WARNER. Madam President, I now observe the presence of the Senator from West Virginia.

AMENDMENT NO. 3877, AS FURTHER MODIFIED

Madam President, I send to the desk a modification to amendment No. 3877.

The PRESIDING OFFICER. Without objection, the amendment is further modified.

The amendment, as further modified, is as follows:

On page 40, strike line 18 and all that follows through page 42, line 9, and insert the following:

(b) NID RECOMMENDATION OR CONCURRENCE IN CERTAIN APPOINTMENTS.—With respect to any position as head of an agency, organization, or element within the intelligence community (other than the Director of the Central Intelligence Agency)—

(1) if the appointment to such position is made by the President, any recommendation to the President to nominate or appoint an individual to such position shall be accompanied by the recommendation of the National Intelligence Director with respect to the nomination or appointment of such individual to such position; and

(2) if the appointment to such position is made by the head of the department containing such agency, organization, or element, the Director of the Central Intelligence Agency, or a subordinate official of such department or of the Central Intelligence Agency, no individual may be appointed to such position without the concurrence of the National Intelligence Director.

(c) PRESIDENTIAL AUTHORITY.—This section, and the amendments made by this section, shall apply to the fullest extent consistent with the authority of the President under the Constitution relating to nomination, appointment, and supervision of the unitary executive branch.

On page 42, after line 25, add the following:

(e) CONFORMING AMENDMENTS.—(1) Section 201 of title 10, United States Code, is amended—

(A) by striking subsection (a);

(B) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(C) by striking ''Director of Central Intelligence'' each place it appears and inserting ''National Intelligence Director'';

(D) in subsection (a), as so redesignated—

(i) in paragraph (1)—

(I) by striking ''seek'' and inserting ''obtain''; and

(II) by striking the second sentence; and

(ii) in paragraph (2)—

(I) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(II) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) The Director of the Defense Intelligence Agency.''; and

(E) in paragraph (2) of subsection (b), as so redesignated—

(i) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(ii) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) The Director of the Defense Intelligence Agency.''.

(2)(A) The heading of such section is amended by striking ''**consultation and**''.

(B) The table of sections at the beginning of subchapter II of chapter 8 of such title is amended in the item relating to section 201 by striking ''consultation and''.

Mr. WARNER. This is an amendment which strikes a balance between the respective authorities of the newly to be created NID together with the Secretary of Defense and others as it relates to the recommendations to the President for the appointment of Presidential appointees. It has the support of the distinguished managers on both sides. I worked in cooperation with the White House staff in its preparation, and they have expressed strong concurrence.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I thank the distinguished chairman of the Armed Services Committee for working with Senator LIEBERMAN and me on the appointment authority. This is a very important issue. We have struck the right balance in the modification. I urge acceptance of the modification which embodies the compromise we worked on over the weekend.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank Senator WARNER for the initiative and for the reasoning that we have done. We have come up with a result that is a wise and solid balance. We are creating a new position—national intelligence director—but we want that position to work particularly closely with the Secretary of Defense. This compromise says that on the critical national intelligence agencies—NSA, NGA, and NRO—that are now in the Defense Department, whereas the initiative to head that department was previously in the national intelligence director, we are giving it back to the Secretary of Defense but asking for concurrence from the national intelligence director before it goes to the President.

The PRESIDING OFFICER. The time of the managers has expired.

Mr. LIEBERMAN. In fact, this amendment broadens the involvement of the national intelligence director in these important nominations.

I thank the Senator for his cooperation. It shows that Senator COLLINS and I are willing to hear and accept a good idea.

Mr. WARNER. Madam President, I note the long hours and hard work of the two managers. We started on this on Thursday, when I first introduced it, and we worked it again on Friday. Those were productive days. Even though we did not have rollcall votes on Friday, much was accomplished, including the resolution of this amendment.

I ask now that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3877, as further modified.

The amendment (No. 3877) was agreed to.

Ms. COLLINS. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3845

The PRESIDING OFFICER. The question now occurs on the amendment of the Senator from West Virginia.

The Senator from Maine.

Ms. COLLINS. Madam President, the amendment of the Senator from West

Virginia would considerably limit the authority of the national intelligence director to move money and people. It would undermine a key reform that is included in this bill, a reform that the 9/11 Commission says is absolutely necessary to empower the NID. Otherwise we are just creating another layer of bureaucracy. We need to make sure that the NID has the authority to marshal the resources, the people, and the funding to counter the biggest threats we face.

The Byrd amendment would actually give the new national intelligence director less authority than the DCI has under current law to move around money and personnel to address urgent needs. Under the Byrd amendment, aggregate transfers from a department or an agency would be limited by a dollar and a percentage amount. There is no such limitation in current law. This amendment represents a step backward from current law. It would severely undermine the reforms. I am going to move that it be tabled. I urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. The Senator from West Virginia has 1 minute.

Mr. BYRD. Madam President, I ask unanimous consent for 2 minutes. I would like to yield to the distinguished Senator, chairman of the Appropriations Committee and President pro tempore of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Madam President, I ask unanimous consent for an additional minute on our side, then, as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

Mr. STEVENS. Madam President, I believe this is another amendment that is sort of misunderstood. The powers of the national intelligence director under this bill are much broader than the CIA Director's. Under this bill he has the right to move money from any part of the intelligence community to another part without consent of the agency to whom we appropriated money and, really, without regard to the program activities or even the specifications Congress has put on that money.

Take, for instance, reserve funds. Reserve funds are there in the event of emergencies for the specific agency involved. He can go in to take the reserve funds from one agency and move them entirely to another agency without any consent of the agency or the consent of the committees that appropriated the money for that reserve contingency.

The Senator's amendment makes a lot of sense. Those of us who are cosponsors are very serious about our support.

Mr. LEVIN. Mr. President, I support much of what is contained in amendment No. 3845, offered by Senator BYRD. However, I will vote against the amendment because it strikes from the underlying bill section 224(b)(3), a provision included in an amendment I offered during markup of the bill in the Government Affairs Committee. Section 224 requires that the NID, the Director of the NCTC, and the Director of any other intelligence center make intelligence information available upon the request of committees of Congress with jurisdiction over the subject matter to which the information relates, or upon the request of the chairman or ranking member of the House or Senate Intelligence Committees. Too much information and too many documents have been withheld from congressional committees by the CIA. If we are going to prevent a stronger national intelligence direction from becoming a stronger ''yes man'' and stronger political arm of a White House, there must be strong oversight from Congress.

The intention of section 224(b)(3) is to limit the amount of intelligence information that the executive branch can legally withhold from the Congress. The requirement to provide information to Congress exists unless the President asserts a Constitutionally-based privilege. Senator BYRD and I both agree that the Congress should have broad access to intelligence information. I disagree, however, with that part of the Byrd amendment which strikes section 224(b)(3).

Mr. NELSON of Florida. Mr. President, while I agree with the provisions of Senator BYRD's amendment, No. 3845, that seeks to provide greater congressional oversight of the national intelligence authority, my objections to provisions in the amendment that would require the National Intelligence Director to relinquish budget authority make it necessary for me to oppose the amendment and vote in favor of the motion to table the amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, we must not take control of public moneys from the elected representatives of the people and give it to an unelected bureaucrat. The Byrd-Stevens-Inouye-Warner amendment gives the director the flexibility to transfer personnel and appropriations to protect against terrorist attacks but provides a leash with which to rein him in should abuses occur. They may occur. They probably will in time. This is a safeguard.

I say listen to the Constitution of the United States. I am very interested in reform, and I admire the work the committee has done. But we are acting too hastily. We are not given enough time, and we are going to rue the day that we turned this amendment down and failed to leash this unelected bureaucrat. We, the people, stand by the Constitution.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, testimony from former DCIs as well as other experts confirmed the need for stronger authority to transfer and reprogram funds and told us this is key to reform of the intelligence community. The Acting Director of the CIA said it best. He talked about how cumbersome the current system is. He told us you first have to acquire the approval of the agency head, then you have to go to the department secretary, then you have to go to OMB, and then you have to go to Congress. We are keeping the OMB and congressional steps. I want to make that clear. But that process, he told us, typically takes 5 months, and, as he said—and I quote John McLaughlin:

> So you can see that's not very agile to meet the needs of today. My view is that the national intelligence director ought to have the authority to move those funds.

I would also note that other provisions in the bill are opposed by the White House, and the amendment is opposed by the chairman of the Intelligence Committee.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on the motion.

The clerk will call the roll.

Mr. MCCONNELL. I announce that the Senator from Texas (Mr. CORNYN) and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

I further announce that if present and voting the Senator from Oklahoma (Mr. INHOFE) would vote ''yea.''

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 29, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—62

Alexander	DeWine	Mikulski
Allard	Dole	Miller
Allen	Durbin	Murray
Bayh	Ensign	Nelson (FL)
Bingaman	Enzi	Nelson (NE)
Bond	Feingold	Nickles
Boxer	Feinstein	Pryor
Breaux	Fitzgerald	Roberts
Brownback	Frist	Rockefeller
Bunning	Graham (SC)	Santorum
Campbell	Grassley	Schumer
Cantwell	Hatch	Sessions
Carper	Hutchison	Shelby
Chambliss	Landrieu	Smith
Clinton	Levin	Snowe
Coleman	Lieberman	Specter
Collins	Lincoln	Sununu
Conrad	Lott	Talent
Craig	Lugar	Voinovich
Crapo	McCain	Wyden
Daschle	McConnell	

NAYS—29

Baucus	Chafee	Dorgan
Bennett	Cochran	Gregg
Biden	Dayton	Hagel
Burns	Dodd	Harkin
Byrd	Domenici	Inouye

Jeffords	Leahy	Stabenow
Johnson	Murkowski	Stevens
Kohl	Reed	Thomas
Kyl	Reid	Warner
Lautenberg	Sarbanes	

NOT VOTING—9

Akaka	Edwards	Inhofe
Cornyn	Graham (FL)	Kennedy
Corzine	Hollings	Kerry

The motion was agreed to.

AMENDMENT NO. 3829, AS MODIFIED

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Stevens amendment No. 3829.

Ms. COLLINS. Mr. President, I am very pleased to inform our colleagues that, after working very closely with Senator STEVENS, Senator LIEBERMAN and I have agreed to a modification of his amendment that is acceptable to us.

The bill originally called for an effective date after enactment of 180 days. The amendment of Senator STEVENS would retain that date but give the President the ability to extend for another 6 months for certain provisions of the bill. That is an acceptable compromise.

I thank the Senator from Alaska for working with the Senator from Connecticut and myself to reach this agreement. I want my colleagues to take note that we have accommodated the Senator's concern in this regard.

Mr. STEVENS. I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 3829), as modified, is as follows:

AMENDMENT NO. 3829 (AS MODIFIED)

On page 133, line 4, strike ''90 days'' and insert ''180 days''.

On page 134, line 4, strike ''180 days'' and insert ''270 days''.

On page 135, line 15, strike ''270 days'' and insert ''1 year''.

On page 140, line 6, strike ''30 days'' and insert ''90 days''.

On page 145, line 12, strike ''1 year'' and insert ''15 months''.

On page 149, line 16, strike ''1 year'' and insert ''15 months''.

On page 150, line 20, strike ''1 year'' and insert ''15 months''.

On page 212, beginning on line 3, strike ''subsection (b), this Act, and the amendments made by this Act,'' and insert ''subsections (b), (c), and (d), titles I through III of this Act, and the amendments made by such titles,''

On page 212, between lines 6 and 7, insert the following:

(b) SPECIFIED EFFECTIVE DATES.—(1) The provisions of section 206 shall take effect as provided in such provisions.

(2) The provisions of sections 211 and 212 shall take effect 90 days after the date of the enactment of this Act.

On page 212, line 7, strike ''(b)'' and all that follows through ''United States'' on line 10 and insert ''(c) EARLIER EFFECTIVE DATE.—In order to safeguard the national security of the United States through rapid implementation of titles I through III of this Act while also ensuring a smooth transition in the implementation of such titles,''.

On page 212, beginning on line 11, strike ''Act (including the amendments made by this Act), or one or more particular provisions of this Act'' and insert ''titles I through III of this Act (including the amendments made by such titles), or one or more particular provisions of such titles''.

On page 212, between lines 16 and 17, insert the following:

(d) DELAYED EFFECTIVE DATE.—(1) Except with respect to a provision specified in subsection (b), the President may extend the effective date of a provision of titles I through III of this Act (including the amendments made by such provision) for any period up to 180 days after the effective date otherwise provided by this section for such provision.

(2) The President may extend the effective date of a provision under paragraph (1) only if the President determines that the extension is necessary to safeguard the national security of the United States and after balancing the need for a smooth transition in the implementation of titles I through III of this Act against the need for a rapid implementation of such titles.

On page 212, line 17, strike ''(c)'' and insert ''(e)''.

On page 212, line 18, strike ''(b)'' and insert ''(c) or (d)''.

On page 212, line 23, strike ''earlier'' and insert ''earlier or delayed''.

On page 212, line 25, strike ''earlier'' and insert ''earlier or delayed''.

Mr. STEVENS. I thank the Senators from Maine and Connecticut for working with us on this amendment. It does stretch out the timeframe and makes much more sense.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Alaska. We have improved this. We have said 180 days for the effective date. If the President decides it is in the national security interest to extend that, he can do that. If he decides he wants to implement it earlier than 180 days in the national security interest, he can do that as well. It is a good compromise. I support it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3829), as modified, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3903, AS MODIFIED

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Stevens amendment No. 3903.

Mr. STEVENS. Mr. President, could we have order?

Determining classification is the responsibility and duty of the chief executive of the United States, the President, who is also Commander in Chief. Presidents Truman through Bush has determined that the overall intelligence budget top-line figure is, and shall remain, classified, and I believe we should not overrule that judgment.

The foundation of an effective intelligence capability, is secrecy. Secrecy protects not only the information that we collect, but also the brave people that put themselves at risk to do the collection of it. We are an open and a free society that generally abhors secret dealings by our Government. But in the case of intelligence collection and analysis, secrecy, is absolutely necessary.

Some of my colleagues argue that the American people have a right to know how much of their money is being spent to defend their Nation's security through intelligence-gathering operations. I assert today that, through its elected officials, the public interests are being effectively served.

Some argue that disclosing the total budget amount will instill public confidence and enable the American people to know what portion of the Federal budget is dedicated to intelligence activities. This bill recommends that the overall intelligence budget should no longer remain classified. I believe that the total budget figure is of no use to anyone but to those who wish to do us harm.

For example, what do the numbers tell our adversaries or potential adversaries in the world? In any given year, perhaps, not a great deal. But while watching the changes in the budget over time, and using information gathered by their own intelligence activities, sophisticated analysts can indeed learn a great deal.

Trend analysis, as you know, is a technique that our own analysts use to make predictions and to reach conclusions. There are hostile foreign intelligence agencies all over the world that are focused solely on gathering every bit of information that they can about our own intelligence-gathering operations and our capabilities. Their ultimate goal is to exploit weaknesses and to deny access and to deceive our own intelligence collectors. Denial and deception is already a serious concern for the intelligence community, and providing our enemies or potential enemies with any insight as to what we spend on intelligence will only make it worse, not better.

No other nation, friend, or ally, reveals the amount that it spends on intelligence. It would set a terrible, dangerous precedent, because right after the aggregate budget was revealed, that number doesn't say much and so the calls would be quickly for more information.

This is a slippery slope. Reveal the first number and it will be just a matter of minutes before there will be a call to reveal more information.

I want to remind my colleagues that we voted on a similar measure in 1997—the amendment failed by a vote of 56–43. There have also been five votes in the House—all of which have failed. Let us not change our records now.

The President of the United States and every President since Harry Truman has requested that the Senate not declassify the amount our country spends on intelligence. I believe we should listen to what he tells us. I have amended my original amendment to request that only a study be done on this important issue. That the national intelligence director have the time to investigate this important topic and let

him, with the President, decide what the safety needs of our Nation are to be.

Based on the recommendations of our colleagues here in the past, I hope you will accept this change and support this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Connecticut.

Mr. LIEBERMAN. I rise respectfully to oppose the amendment of the Senator from Alaska. The 9/11 Commission recommended that we disclose not only the bottom line of what we spend on intelligence but the budgets of each of the 15 constituent agencies.

The Governmental Affairs Committee decided that we could respond and respect the public's right to know by putting out the bottom line number. That means X billion dollars. No details about what goes to what agency or certainly not what goes to what program or what personnel. But we were not ready to order the disclosure of the intelligence agency budget specifically, and we asked the national intelligence director to come back to us with a study.

That is a good balance. The Senator from Alaska would prohibit public disclosures of the bottom line. The public has a right to know at least that. One thing they might conclude from that is that we are not spending enough on intelligence in the war on terrorism as compared to other things we are spending on.

We worked hard on this. It is balanced. It respects the right to know. The families of people lost on 9/11 oppose this amendment, as I do.

I move to table and I ask for the yeas and nays.

Ms. COLLINS. Mr. President, I would also point out that if we do not disclose the top line, the result is the intelligence budget is still funded through the Department of Defense. So if we are trying to give the national intelligence director real budget authority, we have to disclose that top line. We are not disclosing the top line of the CIA, the DIA, the NSA; it is only the aggregate figure for the entire national intelligence budget. Otherwise we are not reforming the process. The funding will have to go through the Department of Defense.

Mr. STEVENS. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 3903), as modified, is as follows:

AMENDMENT NO. 3903 AS MODIFIED

On page 115, strike lines 15 through 25 and insert the following:

(a) STUDY ON DISCLOSURE OF AGGREGATE AMOUNT OF APPROPRIATIONS REQUESTED.—The National Intelligence Director shall conduct a study to assess the advisability of disclosing to the public the aggregate amount of appropriations requested in the budget of the President for each fiscal year for the National Intelligence Program.

On page 116, line 1, strike ''(c)'' and insert ''(b)''.

On page 116, strike lines 21 through 23, and insert the following:

(c) REPORT.—Not later than 180 days after the effective date of this section, the National Intelligence Director shall submit to Congress a report on the results of the studies carried out under subsections (a) and (b).

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

I further announce that if present and voting the Senator from Oklahoma (Mr. INHOFE) would vote ''aye.''

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The result was announced—yeas 55, nays 37, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—55

Alexander	Durbin	McCain
Baucus	Ensign	Mikulski
Bayh	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Graham (SC)	Pryor
Boxer	Grassley	Reed
Breaux	Gregg	Reid
Cantwell	Hagel	Rockefeller
Carper	Harkin	Santorum
Chafee	Jeffords	Sarbanes
Clinton	Johnson	Schumer
Coleman	Kohl	Snowe
Collins	Landrieu	Specter
Cornyn	Lautenberg	Stabenow
Daschle	Leahy	Sununu
Dayton	Levin	Voinovich
DeWine	Lieberman	Wyden
Dodd	Lincoln	
Dorgan	Lott	

NAYS—37

Allard	Crapo	Murkowski
Allen	Dole	Nelson (NE)
Bennett	Domenici	Nickles
Bond	Enzi	Roberts
Brownback	Fitzgerald	Sessions
Bunning	Frist	Shelby
Burns	Hatch	Smith
Byrd	Hutchison	Stevens
Campbell	Inouye	Talent
Chambliss	Kyl	Thomas
Cochran	Lugar	Warner
Conrad	McConnell	
Craig	Miller	

NOT VOTING—8

Akaka	Graham (FL)	Kennedy
Corzine	Hollings	Kerry
Edwards	Inhofe	

The motion was agreed to.

Mr. STEVENS. Parliamentary inquiry.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Alaska.

Mr. STEVENS. If I give notice of reconsideration of that vote, what happens under the cloture vote as set for tomorrow?

The PRESIDING OFFICER. If the vote is reconsidered, the amendment will be pending.

Mr. STEVENS. I give notice of reconsideration.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I regret seriously I was unable to make my statement in full. I was not notified of this time limit when I left on Friday. I came back and found it. The statement of my amendment there was not a statement of my amendment. It was a statement in opposition to my amendment. I was unable to tell the Senate that the statement of policy of the President of the United States supports this amendment. I think the Senate should reconsider tomorrow and think again about this amendment.

Is there a time limit on me right now?

Mr. LIEBERMAN addressed the Chair.

Mr. STEVENS. Mr. President, I have the floor. Is there a time limit?

The PRESIDING OFFICER. The Chair advises the Senator that he cannot move to reconsider as he did not vote on the prevailing side.

Mr. LIEBERMAN. I move to reconsider the vote. I was on the prevailing side.

Ms. COLLINS. I move to lay that motion on the table.

Mr. STEVENS. Mr. President, I object.

The PRESIDING OFFICER. The question then is on agreeing to the motion to table.

Mr. STEVENS. Mr. President, is that debatable?

The PRESIDING OFFICER. It is not debatable.

The question is on agreeing to the motion to table.

The motion is agreed to.

Mr. STEVENS. I object.

The PRESIDING OFFICER. The motion to reconsider is laid upon the table.

The motion to lay on the table was agreed to.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I call up amendment No. 3830.

Several Senators addressed the Chair.

Mr. STEVENS. I still have the floor, do I not, Mr. President?

AMENDMENT NO. 3826, AS MODIFIED

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Stevens amendment No. 3826, according to the previous order.

The Senator from Maine.

Ms. COLLINS. Mr. President, I believe we have worked out an agreement on Senator STEVENS' amendment No. 3826, as modified, that is acceptable to both sides. I am pleased we have been able to reach a compromise. This amendment would clarify the NCTC Director's role in advising the President and the national intelligence director. It uses language that we worked out carefully during the committee markup with Senator LEVIN and others.

Specifically, the NCTC Director would advise the President and the NID on interagency counterterrorism planning and activities which is consistent with the NCTC Director's responsibility to conduct interagency counterterrorism planning.

I urge adoption of the amendment, as modified.

Mr. STEVENS. Has the amendment been modified, Mr. President?

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment, as modified, is as follows:

On page 84, beginning on line 8, strike ''joint operations relating to counterterrorism'' and insert ''interagency counterterrorism planning and activities''.

Mr. STEVENS. Mr. President, I will say for the record the Senator from Maine is correct. We have modified this as requested by the committee.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3826, as modified.

The amendment (No. 3826) was agreed to.

Ms. COLLINS. I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3827

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I call up amendment No. 3830.

The PRESIDING OFFICER. Under the previous order, the next vote is on amendment No. 3827. There will be two minutes of debate evenly divided.

The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that that amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Now what is the regular order, Mr. President?

The PRESIDING OFFICER. There is no order before the Senate.

The Senator from Alaska.

AMENDMENT NO. 3830

Mr. STEVENS. Mr. President, I call up amendment No. 3830.

Mr. LIEBERMAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. There is an objection to calling up the amendment?

Mr. LIEBERMAN. I suggest the absence of a quorum.

Mr. STEVENS. I just want to call it up and set it aside and qualify it for a vote later.

Mr. LIEBERMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. It takes unanimous consent to set aside the pending amendment.

Mr. LIEBERMAN. I repeat my objection, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I have had a conversation with the Senator from Alaska. I remove my objection to his calling up the amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I renew my request.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. WARNER, and Mr. INOUYE, proposes an amendment numbered 3830.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify certain provisions relating to the Central Intelligence Agency)

On page 28, beginning on line 16, strike ''of the National Intelligence Director''.

On page 43, beginning on line 1, strike ''**OF THE NATIONAL INTELLIGENCE DIRECTOR**''.

On page 43, beginning on line 5, strike ''of the National Intelligence Director'' and insert ''for the National Intelligence Director and the Director of the Central Intelligence Agency''.

On page 43, beginning on line 17, strike ''of the National Intelligence Director''.

On page 141, between lines 16 and 17, insert the following:

(H) the Director of the Central Intelligence Agency or his designee;

On page 141, line 16, strike ''(H)'' and insert ''(I)''.

On page 141, line 18, strike ''(I)'' and insert ''(J)''.

On page 141, line 21, strike ''(J)'' and insert ''(K)''.

On page 179, beginning on line 21, strike ''and coordination of'' and all that follows through ''elements of'' beginning on line 23 and insert '', and coordinate outside the United States, the collection of national intelligence through human sources by agencies and organizations within''.

On page 194, beginning on line 23, strike ''of the National Intelligence Director''.

Mr. STEVENS. Mr. President, what is the pending amendment that was set aside?

The PRESIDING OFFICER. The pending amendment was No. 3810 by Senator LEVIN which has been set aside.

Mr. STEVENS. Mr. President, am I interfering with a time agreement now by continuing on the floor?

The PRESIDING OFFICER. There is no time.

Mr. STEVENS. Mr. President, I am constrained to say that I am disturbed at the process that has just been used. I was out of town. I left town saying I was willing to work. I come back and find a series of my amendments have a 2-minute time limit. I was not consulted on that at all. I think in view of the haste with which this bill is moving forward, it is very sad. It is going to change this Senator's vote on cloture tomorrow because I am tired of having this bill being pushed so hard.

It is being pushed by a group of people who were part of a commission that went out of existence. They went out and raised a million and a half dollars, and they are lobbying this Senate. They are lobbying hard, principally the two leaders. They are no longer leaders of that Commission, and they are demanding that we act. Are they registered lobbyists? Are they? What right have they to push this Senate so hard?

I think we should take some time and consider what we are doing. If we are not careful, we will destroy the intelligence system we are trying to reorganize. I am in favor of reorganizing it. I said that in the beginning. But this is going too fast, when I am prevented from even reading, perhaps just 1 minute to read a 3-minute statement, and nothing in front of the Senators on our side indicated the President of the United States was in favor of this amendment. I offered it because the statement came from the administration.

I think we should slow down. If we don't slow down, we are going to be around a long time because I remember Senator ALLEN who stretched out a cloture vote once for 3 weeks. I really believe there should be some senatorial courtesy involved when a Senator is trying to oppose a pressure group like this. It is not easy to do. I know that. But I am up to it, I tell you. I am up to it. And people better understand that.

I ask that that amendment be set aside for the purpose of further consideration tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is set aside.

The Senator from Kansas.

AMENDMENT NO. 3740, AS MODIFIED

Mr. ROBERTS. Mr. President, I ask unanimous consent to set aside the pending amendment, and I call up amendment No. 3740 with a modification which I send to the desk.

The PRESIDING OFFICER. The amendment is already pending.

Mr. ROBERTS. Mr. President, I thank the chairman and ranking member for crafting an amendment with me that embodies several technical and clarifying modifications to their bill. If, in fact, the distinguished Senator and the distinguished ranking member at this time would accept the amendment, it would be highly desirable on the part of this Senator.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the distinguished chairman of the Intelligence Committee for working very closely with us in proposing this amendment which combines portions of several other amendments that he has

introduced. It clarifies that the mission of the national intelligence authority includes eliminating barriers to the coordination of all intelligence activities, including but not limited to counterterrorism. It appropriately ensures that the congressional intelligence committees will receive reports relating to the acquisition authorities of NSA and NGA. It provides that the NID may directly modify budget proposals made by agencies as part of the national intelligence program. I appreciate how closely the chairman has worked with Senator LIEBERMAN and me. I am pleased to support the amendment, and I urge its adoption.

Mr. ROBERTS. I thank the Senators for their assistance.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment, as modified, is as follows:

On page 9, line 13, strike ''counterterrorism'' and insert ''intelligence, including counterterrorism,''.

On page 23, line 1, strike ''may require modifications'' and insert ''may modify, or may require modifications,''.

On page 28, line 17, strike ''or'' and insert ''and''.

On page 112, beginning on line 12, strike ''Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives'' and insert ''Select Committee on Intelligence and the Committee on Governmental Affairs of the Senate and the Permanent Select Committee on Intelligence and the Committee on Government Reform of the House of Representatives''.

On page 200, strike lines 5 through 11 and insert the following:

SEC. 307. CONFORMING AMENDMENTS ON RESPONSIBILITIES OF SECRETARY OF DEFENSE PERTAINING TO NATIONAL INTELLIGENCE PROGRAM.

Section 105(a) of the National Security Act of 1947 (50 U.S.C. 403–5(a)) is amended—

(1) in paragraph (1), by striking ''ensure'' and inserting ''assist the Director in ensuring''; and

(2) in paragraph (2), by striking ''appropriate''.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3740) was agreed to.

Ms. COLLINS. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERTS. I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3741, 3744, AND 3751, WITHDRAWN

Mr. ROBERTS. Mr. President, I ask unanimous consent to withdraw from consideration amendment Nos. 3741, 3744, and 3751.

The PRESIDING OFFICER. Without objection, the amendments are withdrawn.

AMENDMENT NO. 3748, AS MODIFIED

Mr. ROBERTS. Mr. President, I ask unanimous consent to set aside the pending amendment, and call up amendment No. 3748, as modified, which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is modified.

The amendment, as modified, is as follows:

On page 78, line 19, insert ''regular and detailed'' before ''reviews''.

On page 79, strike lines 1 and 2 and insert the following:

political considerations, based upon all sources available to the intelligence community, and performed in a manner consistent with sound analytic methods and tradecraft, including reviews for purposes of determining whether or not—

(A) such product or products state separately, and distinguish between, the intelligence underlying such product or products and the assumptions and judgments of analysts with respect to the intelligence and such product or products;

(B) such product or products describe the quality and reliability of the intelligence underlying such product or products;

(C) such product or products present and explain alternative conclusions, if any, with respect to the intelligence underlying such product or products;

(D) such product or products characterizes the uncertainties, if any, and the confidence in such product or products; and

(E) the analyst or analysts responsible for such product or products had appropriate access to intelligence information from all sources, regardless of the source of the information, the method of collection of the information, the elements of the intelligence community that collected the information, or the location of such collection.

On page 80, line 1, insert ''(A)'' after ''(5)''.

On page 80, line 3, strike '', upon request,''.

On page 80, between lines 5 and 6, insert the following:

(B) The results of the evaluations under paragraph (4) shall also be distributed as appropriate throughout the intelligence community as a method for training intelligence community analysts and promoting the development of sound analytic methods and tradecraft. To ensure the widest possible distribution of the evaluations, the Analytic Review Unit shall, when appropriate, produce evaluations at multiple classification levels.

(6) Upon completion of the evaluations under paragraph (4), the Analytic Review Unit may make such recommendations to the National Intelligence Director and to appropriate heads of the elements of the intelligence community for awards, commendations, additional training, or disciplinary or other actions concerning personnel as the Analytic Review Unit considers appropriate in light of such evaluations. Any recommendation of the Analytic Review Unit under this paragraph shall not be considered binding on the official receiving such recommendation.

On page 80, line 6, strike ''INFORMATION.—'' and insert ''INFORMATION AND PERSONNEL.—(1)''.

On page 80, line 8, insert '', the Analytic Review Unit, and other staff of the Office of the Ombudsman of the National Intelligence Authority'' after ''Authority''.

On page 80 line 10, insert ''operational and'' before ''field reports''.

On page 80, between lines 13 and 14, insert the following:

(2) The Ombudsman, the Analytic Review Unit, and other staff of the Office shall have access to any employee, or any employee of a contractor, of the intelligence community whose testimony is needed for the performance of the duties of the Ombudsman.

Mr. ROBERTS. Mr. President, this amendment ensures that the analytic review unit will be able to perform an important quality control and accountability mechanism for the analytic product of the intelligence community. This is an important function that has not been performed by the intelligence community as well as it should have. I thank the chairman and ranking member for working with me to ensure that this important amendment is adopted.

I yield to the distinguished chairman.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I again thank the distinguished chairman for working very closely with the floor managers on this amendment.

It provides thoughtful clarifications to the establishment of an analytic review unit under the Collins-Lieberman bill. I believe the changes made by this amendment would strengthen the bill. I urge its adoption.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I, too, rise to support the amendment the Senator from Kansas offered. It clarifies and strengthens the bill. I thank him for it and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 3748), as modified, was agreed to.

Mr. WARNER. Mr. President, I would like at this time to address the Senate and the managers with regard to two amendments. I want to be cooperative in the procedures that they may have in mind for further amendments. If it is convenient, I would like to move forward. If not, I would like to know at what time would be more convenient for the managers. I think we are making considerable progress.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I very much appreciate the courtesy of the Senator from Virginia. I would like to suggest that we have a brief quorum call so we can try to have some order. We have several requests on both sides of the aisle to proceed on amendments. I need to compare notes with the Democratic manager of the bill.

Mr. WARNER. Mr. President, I certainly want to be cooperative. I hope the Senator will take into consideration that I now have the floor.

Ms. COLLINS. I certainly will. If the Senator wants to proceed—

Mr. WARNER. No. I want to be cooperative. I am perfectly willing to yield the floor for the purpose of a quorum. It is my hope that I will be recognized at such time as the quorum call is to be withdrawn at the discretion of the managers.

Ms. COLLINS. Thank you, Mr. President. That is my intent.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CHAMBLISS are printed in today's RECORD under ''Morning Business.'')

Mr. CHAMBLISS. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senate is considering the Intelligence Reform Act.

Mr. DAYTON. Mr. President, I ask unanimous consent that I may be permitted to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ'S WMD

Mr. DAYTON. Over the weekend, there was a very alarming report in the New York Times that stated that senior administration officials repeatedly failed to disclose the contrary views of America's leading nuclear scientists about tubes that could be used for either a nuclear weapons program in Iraq or for alternative purposes, such as short-range rockets.

I understand the article is printed in today's RECORD in Senator BYRD's remarks.

The investigative article found:

Senior administration officials . . . sometimes overstated even the most dire intelligence assessments of the tubes, yet minimized or rejected the strong doubts of nuclear experts.

That they had alternative uses.

They worried privately that the nuclear case was weak, but expressed sober certitude in public.

The article goes on to say:

The absence of unconventional weapons in Iraq is now widely seen as evidence of a profound intelligence failure, of an intelligence community blinded by ''group think,'' false assumptions and unreliable human sources.

Yet the tale of the tubes, pieced together through records and interviews with senior intelligence officers, nuclear experts, administration officials and Congressional investigators, reveals a different failure.

Far from ''group think,'' American nuclear and intelligence experts argued bitterly over the tubes. . . .

Precisely how knowledge of the intelligence dispute traveled through the upper reaches of the administration is unclear. Ms. Rice—

The National Security Adviser—

knew about the debate before her Sept. 2002 CNN appearance. . . . President Bush learned of the debate at roughly the same time, a senior administration official said.

The report goes on to document how, even though the 15 different agencies of the Federal Government with responsibility for intelligence gathering and assessment differed on this analysis, according to congressional and intelligence officials, none of them informed senior policymakers in the Congress about the Energy Department's dissent, and the Energy Department contained the nuclear experts most knowledgeable about the probable use of these tubes for another purpose.

Despite this disagreement, despite the uncertainty, Vice President CHENEY in the fall of 2002, in a speech to the Veterans of Foreign Wars on August 26 of that year, stated:

We now know Saddam has resumed his efforts to acquire nuclear weapons. . . .Many of us are convinced that Saddam will acquire nuclear weapons fairly soon. Just how soon we cannot really gauge. Intelligence is an uncertain business, even in the best of circumstances.

The Vice President went on to say:

Armed with an arsenal of these weapons of terror, and seated atop 10 percent of the world's oil reserves, Saddam Hussein could then be expected to seek domination of the entire Middle East, take control of a great portion of the world's energy supplies, directly threaten America's friends throughout the region, and subject the United States or any other nation to nuclear blackmail.

Yet the article goes on to say that neither the Vice President nor Ms. Rice mentioned that the Nation's top nuclear design experts believed overwhelmingly that the tubes were poorly suited for the centrifuges that would be used for nuclear warheads.

The article goes on:

Mr. Cheney, who has a history of criticizing officials who disclose sensitive information, typically refuses to comment when asked about secret intelligence. Yet on this day, with a Gallup poll showing that 58 percent of Americans did not believe President Bush had done enough to explain why the United States should act against Iraq, Mr. CHENEY spoke openly about one of the closest held secrets regarding Iraq. Not only did Mr. CHENEY draw attention to the tubes; he did so with a certitude that could not be found in even the CIA's assessments. On ''Meet the Press,'' Mr. CHENEY said he knew ''for sure'' and ''in fact'' and ''with absolute certainty'' that Mr. Hussein was buying equipment to build a nuclear weapon. ''He has reconstituted his nuclear program,'' Mr. CHENEY said flatly.

Ms. Rice said in a New York Times article today, referencing yesterday's investigative report, that she was aware of the dispute in September 2002 among the different intelligence agencies when she stated in a television interview that the tubes ''are only really suited for nuclear weapons programs.''

I have my own experience of being shown one of those tubes in a briefing conducted by Ms. Rice and CIA Director George Tenet in the White House situation room on December 23, 2002. We were told unequivocally that the tube was intended for Iraq's reconstituted nuclear weapons program. We were given no indication that there was another possible purpose for that tube. We were given no indication that there was serious disagreement among the nuclear experts in the Federal Government about the use of those tubes. We were not given all the facts. We were given one set of facts, the one that supported the position of the President and the Vice President and the one they wanted us to take when we voted on the administration's war resolution just a few days later.

It turns out the information we were given was wrong. One and a half years of subsequent inspections by over 1,400 U.S. weapons inspectors has uncovered no evidence of a reconstituted Iraqi nuclear weapons program under Saddam Hussein. Some 1,300 of those tubes were found to be part of a short-range rocket program which did not represent a threat to our own national security.

The nuclear threat of Iraq was President Bush and Vice President CHENEY's trump card, and they played it to the hilt. They betrayed the trust of the Members of Congress to persuade us to vote for their war resolution. They withheld information we should have had rightfully as Members of this body before making that fateful decision.

We have 138,000 American troops committing their lives, risking their lives, bleeding, fighting, some of them dying, on a daily basis, and we are now told that the administration has any other number of plausible explanations for why they conducted this operation. But the truth is that for many of us, the overwhelming argument being made back in the fall of 2002 when that war resolution was being debated was the supposed nuclear threat of Iraq. And for us to not have been told the truth and all the truth about the facts the administration had before it at the time to me is shameful, disgraceful, and a fundamental violation of the public trust.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are not.

Mr. ALEXANDER. Mr. President, I rise to speak to an amendment that was accepted on Friday.

The PRESIDING OFFICER. The Senator may proceed.

The Senator from Illinois.

Mr. DURBIN. Mr. President, if the Senator from Tennessee will yield for a moment to make a unanimous consent request to follow the Senator from Tennessee.

Mr. WARNER. Reserving the right to object, the Senator was not on the floor. I had the floor and yielded to the managers for the purpose of going into the cloakroom. So I think I have a

right to be recognized when the managers seek recognition, at which time I want to go ahead with my amendments. May I inquire as to the amount of time my distinguished colleagues desire?

Mr. ALEXANDER. I would like to have about 5 minutes, but it does not need to be now.

Mr. WARNER. I am trying to be accommodating.

Mr. DURBIN. Speaking through the Chair, I am happy to follow the Senator from Virginia if the Senator will give some indication of the time sequence. We can propound a unanimous consent request that I follow the Senator from Virginia after he has spoken, if he can give me some indication of how long he will speak.

Mr. WARNER. If it is agreeable to the distinguished Senator, I will follow him and the Senator from Illinois can follow me.

Mr. DURBIN. Will the Senator from Virginia give me a rough indication of how long he might speak?

Mr. WARNER. I will not take an undue period. It is largely in the hands of the managers as to their desire to probe some of the aspects of the amendments. I hope it can be a reasonable period of time, and I hope we will not prolong the Senator's schedule.

Mr. DURBIN. I ask unanimous consent that I follow the Senator from Virginia, after he has spoken to his amendments, to speak in morning business.

Mr. WARNER. I thank my colleague for his usual courtesy.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I say to the Senator from Virginia, if his amendments are ready to be adopted, he can offer them.

Mr. WARNER. No, they are not ready to be adopted.

AMENDMENT NO. 3807

Mr. ALEXANDER. Mr. President, I rise to speak briefly to an amendment that was accepted on Friday. I thank the managers of the bill, the Senator from Maine and the Senator from Connecticut, for doing this and the Senator from Arizona, Mr. MCCAIN, for his work in making it possible.

This has to do with the recommendation of the 9/11 Commission that the Federal Government set standards for the security of personal identification documents such as drivers' licenses to prevent them from being counterfeited and used as identification for terrorists.

As a former Governor, I have always been skeptical of Federal rules that require States to take action that cost States money. As someone who respects civil liberties, I have been reluctant to unnecessarily identify Americans. In fact, as Governor, I vetoed the bill requiring a picture on a driver's license three times because I thought it was an unnecessary imposition on civil liberties. But times have changed. I believe the Senator from Arizona and others did an excellent job of implementing the 9/11 Commission's recommendation that drivers' licenses and other personal identification documents be upgraded so we can prevent terrorists from using them.

My one concern and the concern that the Senator from Arizona recognized was that I do not want to see the Federal Government come up with this good idea, pass it into law, require the States to do it, and then send the bill to the States. We call that an unfunded Federal mandate, and most of us in this body have said we will not do that anymore.

Senators MCCAIN, COLLINS, and LIEBERMAN have worked out an acceptable way, I believe, to deal with that problem. Basically, the amendment that was adopted on Friday will give the Secretary of Transportation 18 months from the passage of the bill to work with State and local officials to come up with a set of minimum standards for driver's licenses. During that negotiation, States will include estimates of the cost of implementing the proposed standards.

After this 18-month period, the rules will be made final. At that point, we will have before us the new requirements for States for these upgraded drivers' licenses and other personal identification documents as well as the costs that we are imposing on the States. At that time, it will be up to us, if we are true to our word about no more unfunded Federal mandates, to appropriate the appropriate amount of money that it would take Tennessee, Montana, New York, and all the other States to pay for this new requirement that we have imposed on the States. That will be something we can debate and discuss at that time.

The State governments will have 2 years from the issuance of the final regulation to implement these standards, but it is our responsibility then, if it is our good idea, if we impose it on the States, to pay for it. I, and I am sure many others in this body, will be here to argue strenuously that we do, and we should.

This is an excellent amendment. I am glad it was accepted on Friday. I appreciate the work of the National Governors Association and the Senators who were involved. This will give the States the time and resources that States need to make the necessary changes to drivers' licenses and other personal identification documents.

I call on my colleagues to keep this moment in mind because 18 months to 2 years from now the bill will come due and the bill should be paid by us, those who impose the rule, and not sent to State governments. Sending the States the bill would be an unfunded Federal mandate, which we have said we will not do.

The PRESIDING OFFICER. Under the previous order, the Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank the distinguished Presiding Officer.

I wish to inquire of the manager, is this an appropriate time to move forward?

Ms. COLLINS. Mr. President, I suggest that the Senator from Virginia go ahead and present his amendments.

AMENDMENTS NOS. 3874 AND 3875, EN BLOC

Mr. WARNER. I send to the desk two amendments which I will address. They are companion amendments, but I felt it was necessary to do it in two different amendments. One is 3874 and one is 3875. Copies are at the desk, but for the convenience of the clerk I will send up additional copies.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3874

(Purpose: To provide for the treatment of programs, projects, and activities within the Joint Military Intelligence Program and Tactical Intelligence and Related Activities programs as of the date of the enactment of the Act)

On page 211, after line 22, add the following:

SEC. 337. RETENTION OF CURRENT PROGRAMS, PROJECTS, AND ACTIVITIES WITHIN JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES PROGRAMS PENDING REVIEW.

(a) RETENTION WITHIN CURRENT PROGRAMS.—Notwithstanding any other provision of law, all programs, projects, and activities contained within the Joint Military Intelligence Program and the Tactical Intelligence and Related Activities program as of the date of the enactment of this Act shall remain within such programs until a thorough review of such programs is completed.

(b) REMOVAL FROM CURRENT PROGRAMS.—A program, project, or activity referred to in subsection (a) may be removed from the Joint Military Intelligence Program or the Tactical Intelligence and Related Activities programs only if agreed to by the National Intelligence Director and the Secretary of Defense.

AMENDMENT NO. 3875

(Purpose: To clarify the definition of National Intelligence Program)

On page 6, strike line 24 and all that follows through page 7, line 2, and insert the following:

(ii) includes all programs, projects, and activities of the National Foreign Intelligence Program as of the date of the enactment of this Act, including the Central Intelligence Agency, the

Mr. WARNER. I have heard reference made to the fact that this bill leaves intact the manner in which we deal with the TIARA programs and the JMIP; that is, the Joint Military Intelligence Program. I would like to read from page 412 of the 9/11 Commission. The Commission states as follows:

The Defense Departments's military intelligence programs—the joint military intelligence program (JMIP) and the tactical intelligence and related activities program (TIARA)—would remain part of that department's responsibility.

My question to the distinguished managers, if they desire to reply, is, Is it their position—and I believe they have so stated, but I wish to give them this opportunity—that the recommendation of the Commission that

they remain at the Department of Defense, is it the understanding of Senators in their bill that is now before the Senate that that comports with that objective?

May I read it again?

Ms. COLLINS. Yes, please do.

Mr. WARNER. Yes, I thank the Senator. Page 412 of the Commission report:

The Defense Department's military intelligence program—the joint military intelligence program (JMIP) and the tactical intelligence and related activities program (TIARA)—would remain part of that department's responsibility.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, if I could respond through the Chair to the inquiry of the Senator from Virginia, the bill makes very clear that any intelligence assets that are principally for joint military operations or for tactical intelligence stay within the Department of Defense.

Now, there may be national intelligence assets that are now included within the Joint Military Intelligence Program that could be transferred to the national intelligence program. The tactical assets are clearly just under the control of the Secretary of Defense, but some of the JMIP assets are national, so that is why the bill is worded as it is with the word ''principally.''

Mr. WARNER. I thank my distinguished colleague.

I would like to now go to the bill and specifically draw the managers' attention to pages 6 and 7. The bill reads:

The term ''National Intelligence Program''—

And that is what the distinguished manager was addressing—

(A)(i) refers to all national intelligence programs, projects, and activities of the elements of the intelligence community; (ii) includes all programs, projects, and activities (whether or not pertaining to national intelligence) of the National Intelligence Authority, the Central Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office . . .

Now, therein is the problem that the Senator from Virginia has. What is the meaning of ''whether or not pertaining to national intelligence''? Because the title says this is the definition of national intelligence. (A)(i) basically gives that, and then (ii) seems to extend the definition to include programs that are not now part of the national intelligence program; that is, ''whether or not pertaining.'' I find that of considerable concern.

The purpose of the amendment is to clarify that form because having had considerable experience when I worked in the Department and the years that I have been privileged to be on the Armed Services Committee—and I have to be very careful as I speak because these are so highly classified, but I will just give generally a picture of my concern.

Right now, the JMIP literally contracts extensively with the Geospatial-Intelligence Agency, the NGA, as it is referred to. For example, the Department of Defense puts in the JMIP budget, through the budgeting process, a block of money. It can then go and contract with these several what we call combat agencies, because they have all the assets—the technical people to do the work. So they sign the contract for a program and that program is absolutely essential to the functioning of, in many instances, the TIARA program, but in many instances the JMIP. And it is essential. The JMIP cannot function unless that particular program for which it has contracted with the NGA is fulfilled.

As I read this amendment—let's call it program X—program X could be transferred under the language ''whether or not pertaining to National intelligence,'' and it goes into the NGA, and then, frankly, the NID might make a decision that, wait a minute, we have to get a very expensive overhead system and we have to go down into the various budgets of the different combat agencies and scrape up some money.

So they come down and they say JMIP says they need the money, but I think we have to prioritize. We are going to take the money and we are going to put it toward the overhead system and it will not be used—for example, this is one of the main functions of the National Geospatial Agency—to make maps. As a matter of fact, when I first came to the Senate it was the old mapping agency. Now it has been combined several times through a number of job descriptions.

But that could be lost. Suddenly we are controverting the recommendation of the 9/11 Commission, that everything in the TIARA and the JMIP is going to be left untouched.

That is the problem I see. I think we have to take a good look at this amendment because my amendment eliminates that language—that is one of the two amendments—it eliminates it in such a way that we redefine that paragraph 1. On page 6, the one I read from, strike so-and-so and put this language in, that is:

The term ''National Intelligence Program''—

(ii) includes all programs, projects, and activities of the National Foreign Intelligence Program as of the date of enactment of this Act, including the Central Intelligence Agency—

And then it goes on to read:

the National Security Agency, the National Geospatial. . . .

All I have done is keep in place the recommendation of the Commission. The very words I have heard the distinguished managers say on the floor a number of times—and I have it back in the previous Records, in which she has represented to this body in the course of the four or five days we have been debating that we are not touching TIARA and we are not touching the JMIP.

There is my problem. I believe this fixes it.

AMENDMENT NO. 3874

The next amendment addresses what the distinguished managers said a few minutes ago. There could come a time where it is the judgment of the NID that some of these programs should no longer be under the jurisdiction of the JMIP, and therefore my other amendment kicks in. It reads as follows:

Removal From Current Programs. A program, project, or activity referred to in subsection (a) may be removed from the Joint Military Intelligence Program or the Tactical Intelligence and Related Activities programs only if agreed to by the National Intelligence Director and the Secretary of Defense.

So the two of them could make adjustments in the future. But right now, we have a number of programs in JMIP which are being performed by the combat agencies and I think it would not be in our best interests to dislodge those programs now. In the future, if the two heads agree, this is the statutory authority to do it.

I feel very strongly about these amendments. So much so I will ask for votes on them if we are not able to—I don't say that in the way of anything other than expressing my sincerity in these amendments, but I hope you could possibly accept them. If you cannot, I feel obligated to ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I would point out that the amendment of the distinguished Senator would require that the Secretary of Defense agree to the movement of any asset from the JMIP or TIARA budget to the National Intelligence Program budget.

I want to make sure my colleagues realize that the White House opposes giving the Secretary of Defense a veto over what can be moved from JMIP or TIARA to the new National Intelligence Program. I apologize for talking in acronyms in describing this.

As you know, the tactical intelligence programs are the TIARA programs that are run by the various services within the Department of Defense. The JMIP is the Joint Military Intelligence Programs.

I note we have tried to strike a delicate balance in this bill. We decided, and so I joined the Senator from Virginia, to defeat an amendment that would have moved the NSA, the NGA, the NRO out of the purview and daily supervision of the Secretary of Defense. We were cognizant that the NSA and the NGA provide direct support to the warfighter.

The underlying legislation, however, does strike a delicate balance. We give the national intelligence director control over the budgets, the tasking of national assets, and certain personnel authorities, while leaving those agencies under the day-to-day supervision of the Secretary of Defense. I think that is the right balance.

Keep in mind, when we talked to the head of the NSA, the three-star General who runs that agency, he told us

that he has more contact with the CIA than he does the Secretary of Defense; that he is providing national intelligence everyday beyond the needs of the Pentagon. That is not in any way to lessen the important role he is providing to our warfighters, to the combat commanders, to the Secretary of Defense. But these are national assets. Indeed, while I can't disclose the amounts of the budgets or the exact percentages because they are classified, the majority of the budgets for these agencies are already in the National Foreign Intelligence Program budget.

I understand the point of the Senator from Virginia. As always, I am happy to try to work with him. I know Senator LEVIN has some amendments in this area that may bring further clarity. But I am concerned about the scope of his amendments.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, replying to my distinguished colleague, let's use the example of maps. They are absolutely essential to the troops. They can't operate without maps.

The only existing entity of the Federal Government that can make maps is the NGA. Right now, the JMIP, which is the Joint Military Intelligence Program, is acting on behalf of all the services—the Army, Navy, Air Force, and Marine Corps. They all desperately need maps. They have this contract which they pay for out of this budget to have the maps made. But the way your bill is drawn, it seems to me that they could stop making the maps for the military because they think that the dollars are better needed for overhead systems. There sits the Secretary almost powerless unless he runs right up to the President and says: Wait a minute. And you can't have him going to the President on all of the dozens of contracts that the JMIP has with the various contract agencies.

I ask a question. The 9/11 Commission explicitly said don't do this. I thought I understood the manager to say: Well, we are not doing it. I have about four or five references where on the floor the manager said we are not touching TIARA or JMIP; those programs remain under the budget of the Secretary of Defense.

With no intention to do other than what is right, we have a vague situation that we cannot let remain and jeopardize the maps. It is the clearest thing I know that is understandable by everybody in this Chamber—the need for those maps for our soldiers, our naval personnel on the high seas, those flying the aircraft. You cannot limit the ability of the Secretary of Defense to adequately provide those maps.

I say to my distinguished colleague, my colleague has a statute which puts in question the ability to control the very thing my colleague said time and time again she was not going to touch.

Ms. COLLINS. Mr. President, first let me clarify that we did what the 9/11 Commission recommended with regard to these agencies. We did not sever their connection to the Secretary of Defense. The Senator from Virginia is well aware of that. He is well aware that I opposed attempts to sever the connection with the Secretary of Defense. The Senator from Virginia is well aware that the Secretary of Defense would continue to have day-to-day line authority supervision over these agencies.

The second point I make is there is nothing in this bill that would in any way hinder the ability of the NGA to provide much needed maps for our troops. That is just not going to happen. The satellites that are used to produce these maps for the military are also used for surveillance of international terrorism or compliance with proliferation treaties. They are used to look at camps in Afghanistan. These are national assets that are used by multiple agencies, and the bill reflects that.

That is why the majority of the budgets for these agencies are already part of the National Foreign Intelligence Program—what we would rename as the National Intelligence Program. The majority of the budget finances are already part of not JMIP, not TIARA, but what is known as NFIP. That would not in any way hinder the ability of these agencies to meet their obligations to the Department of Defense and to our warfighters.

Mr. WARNER. Mr. President, in response to my colleague, I am not touching the satellites. I agree. Everything she said is absolutely correct. We are not touching the satellites. But we are concerned about things such as the mundane maps which are about 80 percent used by the tactical forces, maybe 20 percent distributed elsewhere in the Government for other purposes. But that is the heart and soul of tactical intelligence. It is desperately needed. You simply have to let those moneys that the Secretary of Defense allocates by contract to the NGA to do the maps be untouched. They cannot be seized in a sweep-up or a reprioritization.

We just had an amendment which was rejected about the reprogramming authority. You have extensive reprogramming authority. But time and time again, I have heard the Senator from Connecticut say we are not going to touch TIARA, we are not going to touch the JMIP. Yet, if I could draw the attention of my colleague from Connecticut to page 6 of the bill, the language is very clear. It says:

> The term ''national intelligence program'' includes all programs, projects and activities whether or not pertaining to national intelligence.

So you are going beyond national intelligence. You are grabbing the responsibilities of the TIARA Program and the JMIP. There is the language.

Mr. LIEBERMAN. Mr. President, responding to my friend from Virginia, the intention here is to give the national intelligence director budgetary authority over the national intelligence programs. That would not include TIARA. It might include, as has been illuminated in a colloquy between the Senator from Virginia and the Senator from Maine, some programs that are currently in JMIP, the Joint Military Intelligence Program.

For the sake of reasonable organization, we wanted to take the full budgets of those national intelligence agencies—NSA, National Geospatial, and NRO. But what I want to say is that there is some indication that, for instance, a substantial percentage of one of those agency budgets is currently in JMIP. We expect that they will continue to work for the military and its joint programs. But for the sake of decent organization and clear lines of authority, the judgment made by our committee was to say that all of the budgets of those three national intelligence agencies within the national intelligence program will go on budget under the national intelligence director and to leave it. There is going to be some overlap on what is now JMIP. The bill encourages the Secretary of Defense and the national intelligence director to work out those areas of overlap.

Mr. WARNER. Mr. President, I thank my colleague. He precisely came to my point.

Mr. LIEBERMAN. That was not my intention.

Mr. WARNER. Roughly about 30 percent of the NGA budget is derivative of the JMIP budget. One of the pending amendments of the Senator has this provision in it. He said the programs may be moved. My language does that. It says: A program, project, or activity referred to in subsection (a) may be removed from the JMIP or the tactical intelligence but only if agreed to by the national intelligence director and the Secretary of Defense.

So they have the concurrence of the two principals, and then move it but leave in place now those programs such that the budgets remain until they make a joint decision to move them.

I used the example of maps. You cannot cut off the flow of maps back to the troops, the sailors, and the airmen. Yet those maps are made by the NGA.

Mr. LIEBERMAN. The Senator is right. He is correct, obviously. It is clearly not the intention of the bill to do that. The fact is the work of the National Geospatial Agency which we are describing here that produces image intelligence which is so critical to the military is also, as the Senator knows, increasingly critical to the Department of Homeland Security, even the Department of State.

Mr. WARNER. I concur.

Mr. LIEBERMAN. That is why we want to put the budget of the National Geospatial-Intelligence Agency in the national intelligence program. These are national intelligence assets.

Clearly, the call of the military for the services of those assets will be a

priority of the agency wherever that budget authority is.

Mr. WARNER. Mr. President, I thank the Senator for that reassurance. But the language now transfers that program, if we look at the parenthetical on page 6, and includes all programs, projects, and activities, whether pertaining to national intelligence or not, which means you grabbed it all and moved it.

That may be to the advantage of our national intelligence system, our tactical system, some date in the future, but do not do it now until we have had some measure of experience.

The Senator from Virginia has provided for the removal of those programs with the concurrence of the two principals. You cannot take away from the Secretary of Defense. He is, under title 10, required to provide for the men and women of the Armed Forces their basic needs. Nothing is more basic than the simple maps, and 80 percent of that cost of producing those maps comes out of JMIP.

I plead with the Senator, leave it for the moment. As we go through the progression and implementation of this, it seems to me the NID and Department of Defense can work it out if for some reason there is concurrence of viewpoints. This is crippling the Secretary of Defense in fulfilling his missions under title 10 where he is required by law, enacted by this Senate over a period of many years, to keep those troops supplied with what they need.

Mr. LIEBERMAN. Mr. President, of course, we do not intend nor do I think we do in any sense cripple the Secretary of Defense. We make a judgment that some of these programs are national intelligence programs. They ought to be in the budget control of the national intelligence director. We enumerate which programs—TIARA, the so-called tactical military programs—off the table. That is with the Secretary of Defense. That provides intelligence to single services or some of the joint programs.

This is a difference of opinion. It is true that because we want to give some credibility to this national intelligence director with these national assets as he serves the entire community, including, most of all, the President of the United States, we are recommending those budgets of those three agencies go to the national intelligence director. Then the negotiation begins with the Secretary of Defense. That is a change.

I assure the Senator there is no intention in any way to contravene or to diminish the capacity of the Secretary of Defense to fulfill his title 10 statutory requirements. He will work it out with the national intelligence director.

Mr. WARNER. Mr. President, if I understood my colleague, all the TIARA and JMIP budgets are off the table. Did the Senator just say that?

Mr. LIEBERMAN. Not quite.

Mr. WARNER. It is the ''not quite.''

Mr. LIEBERMAN. If I confused the Senator, I apologize.

Mr. WARNER. You did not confuse this old fox; he is listening. But the others may not be able to follow these nuances.

Mr. LIEBERMAN. The TIARA budget is totally within the control of the Secretary of Defense.

Mr. WARNER. Splendid. Leave it there.

Mr. LIEBERMAN. With the Joint Military Intelligence Program, it is not so clear. That is where there will be, if it is part of a national intelligence program, the budget authority will be with the national intelligence director. But the No. 1 customer is going to be the Department of Defense.

We are talking almost as if these are people in different governments. They are going to work this out as they do every day.

I will read testimony from General Hayden, the head of the National Security Agency, before the House, August 18. He says:

> An empowered national intelligence director with direct authority over the national intelligence agencies should not be viewed as diminishing our ability or willingness to fulfill our responsibilities as a combat support agency.

General Hayden is a very respected head of one of those agencies—speaking, in fact, for all of them later on—saying to have a national intelligence director with budget authority is not going to diminish our ability or commitment to the combat support agencies.

Then he goes on to talk about how he has forward deployed hundreds of people with our U.S. military command, and there is no way that the creation of a national intelligence director, he says, will alter that commitment to the military.

We are trying to create some budgetary clear lines to the national intelligence director, not contravening the title 10 responsibilities of the Secretary of Defense.

Mr. WARNER. Mr. President, would the Senator look at page 412 of the 9/11 Report, please.

Let me read it:

> The Defense Department's military intelligence programs—the joint military intelligence program (JMIP) and the tactical and related activities program (TIARA)—would remain part of that department's responsibility.

In testimony before your committee, the 9/11 Commissioners have repeatedly stated that some portions, as the Senator said, of JMIP, might ultimately need to be moved to the national intelligence program but only after a thorough review.

The humble Senator from Virginia is just trying to keep the programs in place until as that wise old Commission said, ''ultimately'' you may review them and consider moving them.

Mr. LIEBERMAN. I respond to my friend who may be humble but is a very distinguished, nonetheless, expert on these matters, and I appreciate the Senator is so informed about the contents of the Commission report.

Interestingly, we communicated with the 9/11 Commission about this particular part of our bill, and they changed their position. Their position developed. I represent that as my best understanding, but I urge the Senator overnight to check with the staff and members of the Commission. I represent that they support our proposal for budgetary authority for the national intelligence director as contained in the bill Senator COLLINS and I have put before the Senate that the Senator's amendment would alter.

Mr. WARNER. I bring to the attention of the managers something they are already aware of, but I think it is important it be incorporated in the debate. I draw the Senators' attention to the September 28, 2004, Statement of Administration Policy, which is in the RECORD in many places, the guidance that was sent to you and your distinguished colleague, the chairman, Senator COLLINS. It says in the fourth paragraph:

> The administration opposes the Committee's attempt to define in statute the programs that should be included in the National Intelligence Program; the Administration believes that further review is required. The Administration also believes that the Committee's bill provisions relating to the NID's role in the acquisition in major systems needs further study.

There is a clear statement of policy by the White House on the precise point that is in these two amendments.

I say to my colleague, if the Senator has a reply to this, I am happy to hear it; otherwise, I ask for the yeas and nays and then I will fight on.

Mr. LIEBERMAN. Yes, indeed. I respectfully disagree. I will share something because we have been talking about the National Geospatial-Intelligence Agency.

GEN James Clapper spoke before us and gave some very strong views that support to military programs would not be compromised in any way by creation of a strong national intelligence director with budget and other authorities over his agency.

So this is a gentleman, a very distinguished general, who is in charge of the exact agency we are talking about, who said to us directly that he was confident the support of his agency to the military would not be compromised in any way by a national intelligence director with budget authority over his agency.

It was quite interesting. He described in some detail, as the Senator has spoken to, the direct support the National Geospatial Agency is giving to military operations in the nine combatant commands and increasingly to levels far below the traditional boundaries of those commands to their subordinate units.

In fact, as he said, national agencies—this where it is hard to draw real hard lines—national agencies are more and more providing what might on another occasion be called tactical support. When our warfighters need imagery support, General Clapper said

they get it from the NGA employees who are often right out there with them on the ground alongside their commanders. What struck me is he said to us that is the way things work now in the real world, and that nothing in the legislation we have put before the Senate, Senator COLLINS and I, would change that. I think that is a very strong statement from the head of the agency that I know the Senator is concerned about.

Mr. WARNER. Mr. President, if I might reply, I was privileged to know General Clapper very well. I think you will find he was not with the NGA, but he was Director of the DIA, when he used to come before the Armed Services Committee. He is with the NGA now.

Mr. LIEBERMAN. He is now.

Mr. WARNER. I just point out to you, I will have to go back and look at his testimony, but I know he fully understands the need to keep intact the Secretary of Defense's absolute authority to control those matters which are essential to the fulfillment of his title 10 responsibilities.

I say to you most respectfully, this, in my judgment, is sufficiently vague as to put that in jeopardy. But I have taken generously of the time of the managers, so at this time I ask for the yeas and nays on both amendments that are pending.

The PRESIDING OFFICER. Is there an objection to it being in order to order the yeas and nays with one show of hands?

Mr. WARNER. Mr. President, I will do it singularly if there is a technical problem. Why don't I do it singularly. First I ask for the yeas and nays on amendment No. 3875.

The PRESIDING OFFICER. The Senator has the right to seek the yeas and nays on amendment No. 3874, which is the currently pending amendment.

Mr. WARNER. I thank the Presiding Officer. I ask for the yeas and nays on amendment No. 3874.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Fine. Mr. President, I ask unanimous consent that the amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I call up amendment No. 3875 and ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. I thank the Presiding Officer and thank the managers of the bill.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the managers will allow the setting aside of the pending amendments and allow me to call up three amendments that are at the desk that Senator LEAHY has asked me to offer on his behalf.

Ms. COLLINS. Reserving the right to object, I am unaware of what these three amendments are. We have a lot of requests for other amendments to be brought up. I wonder if the Senator would withhold so that I could talk with him about what the three amendments are. Senator DURBIN was actually next in line.

Mr. REID. Well, that is fine. But I thought we were going to allow amendments to be offered. If we are going to pick and choose what amendments are going to be offered, I will object to all of them, because Senator LEAHY has the right to offer his amendments if anybody else does. I will be happy to withhold for a short time. I withdraw my request.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding I have a unanimous consent agreement to speak next as in morning business, but since the chairman of this committee and ranking member have been on the floor all day on this bill, I would withhold my opportunity to speak if they have any pending business on this bill that they want to take care of at this point.

I say to the Senators, I know you want to stay for my speech, but I am sure you would like to take care of the bill before us and pending amendments, and I do not want to stand in your way.

So at this point, Mr. President, if I can speak through you and ask the chairman of the committee if she has any pending business at this point related directly to the bill. If the Senator from Maine could inform me.

Ms. COLLINS. Mr. President, I do not yet know the answer to the question raised by the Senator from Illinois. It is very thoughtful of him. I offer to withhold. I was going to debate a little bit further with Senator WARNER, but perhaps we have covered that to death and should wait until tomorrow to conclude our comments.

I ask through the Chair, could the Senator tell me how long he wishes to speak?

Mr. DURBIN. In the neighborhood of 15 to 20 minutes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, during the time in the quorum, we have been able to speak with the managers of the bill. I now ask unanimous consent that the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3913, 3915, AND 3916 EN BLOC

Mr. REID. Mr. President, I call up en bloc amendments Nos. 3913, 3915, and 3916 on behalf of Senator LEAHY.

The PRESIDING OFFICER. The amendments are considered pending.

The amendments are as follows:

AMENDMENT NO. 3913

(Purpose: To address enforcement of certain subpoenas)

On page 159, strike lines 19 through 25 and insert the following:

''(2) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(D), either the Board or the Attorney General of the United States may seek an order to require such person to produce the evidence required by such subpoena from the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found.''.

AMENDMENT NO. 3915

(Purpose: To establish criteria for placing individuals on the consolidated screening watch list of the Terrorist Screening Center, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. TERRORIST SCREENING CENTER.

(a) CRITERIA FOR WATCH LIST.—The Secretary of Homeland Security shall report to Congress the criteria for placing individuals on the Terrorist Screening Center consolidated screening watch list, including minimum standards for reliability and accuracy of identifying information, the certainty and level of threat that the individual poses, and the consequences that apply to the person if located. To the greatest extent consistent with the protection of classified information and applicable law, the report shall be in unclassified form and available to the public, with a classified annex where necessary.

(b) SAFEGUARDS AGAINST ERRONEOUS LISTINGS.—The Secretary of Homeland Security shall establish a process for individuals to challenge ''Automatic Selectee'' or ''No Fly'' designations on the consolidated screening watch list and have their names removed from such lists, if erroneously present.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Privacy and Civil Liberties Oversight Board shall submit a report assessing the impact of the ''No Fly'' and ''Automatic Selectee'' lists on privacy and civil liberties to the Committee on the Judiciary, the Committee on Governmental Affairs, and the Committee on Commerce, Science and Transportation of the Senate, and the Committee on the Judiciary, the Committee on Government Reform, and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include any recommendations for practices, procedures, regulations, or legislation to eliminate or minimize adverse effects of such lists on privacy, discrimination, due process and other civil liberties, as well as the implications of applying those lists to other modes of transportation. The Comptroller General of the United States shall cooperate with the Privacy and Civil Liberties Board in the preparation of the report. To the greatest extent consistent with the protection of classified information and applicable law, the report shall be in unclassified form and available to the public, with a classified annex where necessary.

(d) EFFECTIVE DATE.—Notwithstanding section 341 or any other provision of this Act, this section shall become effective on the date of enactment of this Act.

AMENDMENT NO. 3916

(Purpose: To strengthen civil liberties protections, and for other purposes)

On page 132, line 23, strike ''and''.

On page 133, line 3, strike the period and insert ''; and''.

On page 133, between lines 3 and 4, insert the following:

(L) utilizing privacy-enhancing technologies that minimize the dissemination and disclosure of personally identifiable information.

On page 153, between lines 2 and 3, insert the following:

(o) LIMITATION ON FUNDS.—Notwithstanding any other provision of this section, none of the funds provided pursuant to subsection (n) may be obligated for deployment or implementation of the Network under subsection (f) unless—

(1) the guidelines and requirements under subsection (e) are submitted to Congress; and

(2) the Privacy and Civil Liberties Oversight Board submits to Congress an assessment of whether those guidelines and requirements incorporate the necessary architectural, operational, technological, and procedural safeguards to protect privacy and civil liberties.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding that, pursuant to the unanimous consent agreement, I am to be recognized to speak in morning business.

The PRESIDING OFFICER. The Senator is correct.

WAR IN IRAQ

Mr. DURBIN. Mr. President, I understand that an article printed in the New York Times yesterday, October 3, relative to the war in Iraq and the intelligence leading up to it, was printed in the RECORD earlier today in Senator BYRD's remarks.

Mr. President, it was about 2 years ago that we faced a critical decision on the floor of the Senate. It was a vote that most Members of the Senate, certainly Members of the House, will never forget. It is rare in your legislative career that you are asked to vote to go to war, and that is exactly what occurred in this Chamber in October of 2002. It has happened two or three times in my congressional career.

Each time it has been a matter of grave concern. Each Member of the Senate and the House want to make certain that they use their best judgment, that they get it right. Because if we embark on a war, it goes without saying that some of the bravest and best Americans we serve are going to risk their lives and some will lose their lives. That was what faced us in October of 2002.

The final vote was 77 Members in favor of the use of force resolution to go to war in Iraq and 23 in opposition. Of the 23 Senators voting in opposition—1 Republican, Senator CHAFEE of Rhode Island—22 were Democrats. I was included in that number of 22 Democrats.

I remember the vote. It was late at night. When we finally adjourned and left, each of us felt a heavy weight on our shoulders. We knew that decision in this room by 100 Americans would lead to a war and others would die, many others would be injured as a result. Each Member of the Senate, I am certain, tried to make the right choice and the right decision based on the information they had and their conscience.

Now today, some 2 years later, we step back from that moment and reflect on it, because it was a critical moment in the history of our democracy.

When we vote to go to war, a war in this case which President Bush asked us to support, we have to do it based on facts and evidence given to us. It is rare that any one of us has any personal knowledge of the circumstances that lead up to the possibility of war. We rely on people who serve our Government—our military leaders, our intelligence experts, people in the field of diplomacy. We ask them to give us information so we can make the right decision, and that is the position we found ourselves in in October of 2002.

Today we reflect on the information given to the Congress and the American people before this historic and momentous decision to go to war in Iraq. As we view this information, we cannot help but believe that we were deceived. We were misled. We were given the wrong information before that invasion. Many of the things said to us on the floor of the Senate, much of the information given to us by the administration that led to that decision to go to war in Iraq today, 2 years later, we know was wrong. It was just wrong.

Think back about that debate and what led up to it. In the few short weeks when it became abundantly clear that we would face that decision, we had heard about Iraq for years. We remembered their invasion of Kuwait, the Persian Gulf War where, under General Schwarzkopf, our Army liberated the people of Kuwait, driving the Iraqis back into their homeland.

We knew who Saddam Hussein was. We knew the kind of thug, brutal dictator that he had been in his own country. We remembered that wasting war that he had with Iran where thousands of innocent people were killed. We knew exactly what we were dealing with in Saddam Hussein. He was not a new character for me in my congressional career, nor for most Americans.

But prior to the invasion of Iraq we were told that it had more to do with other issues. It wasn't just the fact that he was an evil dictator; it was the fact that he was a threat to the people of his own nation, to the region, and to the United States. That is what we heard from the Bush administration in support of the invasion of Iraq.

You will remember the debate very well. How often we heard from the President and others that Saddam Hussein had weapons of mass destruction that would be used to harm America, that he had unmanned aerial vehicles which he could launch against other nations in the Middle East, against Israel, even against the United States.

We were told that he was somehow linked with al-Qaida and Osama bin Laden, the perpetrators of the disgraceful and barbaric acts of September 11, 2001. Those were the facts given to us.

We know in those cases and in so many others that those facts were wrong—just plain wrong. The American people were misled. They were told there was a threat against this country that did not exist. The question which faces us today and one which goes to the heart of our democracy is whether the people who made those statements knew they were misleading the American people.

That is a very serious charge. It may be the most serious charge in a democracy—that any leader in Congress or in the executive branch of the Government deliberately misled the American people into believing there was a threat, into believing that a war was necessary, and into making a decision that was based on wrong information. That debate has raged ever since.

When we invaded Iraq and found no weapons of mass destruction, when we found no evidence of these chemical and biological stockpiles, these arsenals of weapons, poised and ready to strike us, the American people and many Members of Congress had to stop and think: if that key element in the war against Iraq was wrong, if we were misled about that fact, what other facts were we misled about?

This New York Times article, which has been put into the RECORD for all to read, addresses one particular element. Most everyone who remembers that debate—I remember so many parts of it—will recall how much time we spent asking ourselves whether Iraq was in a position where it had nuclear weapons or the capacity to build them. Time and again, this debate focused on one piece of tangible evidence: aluminum tubes, aluminum tubes which might or could have been used in the production of nuclear weapons.

You will remember the references to them. They were made by virtually every member of the Bush administration—the President, the Vice President, the Secretary of Defense, the Secretary of State, the Director of the Central Intelligence Agency. Each one of them made some reference to these aluminum tubes and the fact that they were proof-positive evidence of the nuclear weapons that could threaten us from Iraq. This New York Times piece has taken the time to go through the history of these aluminum tubes. What they have found is indeed troubling. What they found is abundantly clear, that the administration deliberately disregarded the facts and findings of the Department of Energy and other key intelligence agencies and, as a result, misled the American people about Iraq's nuclear program—the single most important justification for the war.

Now, a President—any President—must always take whatever actions are

necessary to protect America. But the true test of leadership is telling the truth to the American people about the world, tell them of our threats based on reality, based on truth, based on facts. That is the hard work of the Presidency.

In this case, the President did not do that. In his State of the Union Address, and in many other statements, we were told things that were, frankly, not true. Even today, after we have investigated Iraq, after we have sent thousands of inspectors to look for the evidence that we were told would be there, after we have come up empty-handed for a year and a half, even today, when National Security Adviser Condoleezza Rice was asked on public television whether she would concede that the statements of the administration misled the American public, she would not do so.

I say this: If Dr. Condoleezza Rice knows of any credible evidence to support the argument that Iraq was using those aluminum tubes to build nuclear weapons, she owes it to the American people and to her President to step forward and say so. The New York Times, in its lengthy investigation, produced evidence to the contrary. Yet Dr. Rice refuses to even acknowledge it.

We should never give any country veto power over America's security. But we have to be honest with the American people about what we need to be safe. This New York Times article details how the administration spoke with such great certainty to the American people about Saddam's nuclear program, at a time when they knew privately that the evidence was highly questionable. In fact, this article shows that top members of the administration repeatedly made statements that any fair analysis of the facts on our intelligence would have informed them were wrong.

Specifically, in September of 2002, before the vote to go to war, Vice President CHENEY said the United States had ''irrefutable evidence'' of Iraq's nuclear program, based on Iraq's possession of thousands of tubes made of high-strength aluminum. In September 2002—the same month—Condoleezza Rice said: ''We do know that he [Saddam Hussein] is actively pursuing a nuclear weapon.'' She went on to say that it was based on the aluminum tubes that were ''only suited for a nuclear weapons program.'' She said, ''We don't want the smoking gun to be a mushroom cloud.''

Can you think of a more provocative statement from the National Security Adviser to the President about the threat of Iraq to the United States, that we might face a mushroom cloud; that we, in fact, would be the victims of a nuclear attack because Saddam Hussein had these weapons? Those were the words of Dr. Rice. Those were words that we know now were not backed up with facts and evidence.

In October 2002, President Bush said in Cincinnati:

> Iraq has attempted to purchase high-strength aluminum tubes and other equipment needed for gas centrifuges, used to enrich uranium for nuclear weapons.

In fact, by the time the President made that statement, this administration was clearly divided from within as to whether that statement was true. I know because I sit on the Intelligence Committee. I know because I sat through days of hearings, where representatives of the Department of Energy and the Central Intelligence Agency clearly disagreed about whether those tubes were proof positive of Saddam Hussein's nuclear weaponry program.

Let's concede the obvious. There was a time when Saddam Hussein was building nuclear weapons back in the early 1990s. We were right to be vigilant and to find out whether he had renewed that program and it was a threat to the region and the United States. The only thing we could find was some evidence that Iraq had purchased these aluminum tubes from Hong Kong. And then we were fortunate to be able to intercept a shipment of these tubes in Jordan and to take a close look at them.

There was a fellow in the Central Intelligence Agency, working for that agency, an analyst, who was building the case that these tubes were proof positive that Saddam Hussein was back in the business of nuclear weapons.

The Senate Intelligence Committee that I serve on took a look at his analysis. Their conclusion was troubling because they concluded that his facts were wrong, his conclusions were wrong; that he was involved in groupthink, in their words, and a holy war within this administration to prove that these tubes were related to nuclear weapons.

They wanted to prove—the CIA did—through this analyst that these tubes were part of a secret high-risk venture to build a nuclear bomb. But they kept running into a problem: Within the same Bush administration, the Department of Energy disputed their conclusions. I heard those arguments, most of America did not. One of the reasons I voted against the use of force resolution was, in my mind, it clearly was not established that Saddam Hussein had nuclear weapons which he would use against the United States.

In June 2001, we seized a shipment of these aluminum tubes. We sent our very best expert to investigate whether they could be used for nuclear weapons, and those who looked at them came back and said, first, in size and materials—this is August of 2001—the tubes were very different from those Iraq had used in centrifuge prototypes before. In fact, the team could find no centrifuge machines deployed in a functioning environment that used such narrow tubes. They believed that the conclusion was unlikely that these tubes were going to be used.

In the months after September 11, 2001, the Bush administration devised a strategy to fight al-Qaida. Vice President CHENEY became deeply involved in reviewing the intelligence evidence. He became a self-appointed examiner of the worst case scenarios involving Iraq. He had the background. He had been Chief of Staff of President Ford and Secretary of Defense for first President Bush. He knew all the intelligence agencies and what they did.

So he was not simply passing when it came to this whole question. He read of an allegation that Iraq was importing yellow cake uranium concentrate from Niger in Africa. He went on to conclude in a statement made on CNN that based on what he had read, Vice President CHENEY said Saddam Hussein is actively pursuing nuclear weapons at this time. But, in fact, there was a debate raging within this administration as to whether that was true.

Over and over the reports from the CIA were disputed by other agencies. The tubes just did not have the necessary thickness to be part of a nuclear weapons program. So we find ourselves in a situation where statements were being made by the Vice President and by others which could not be verified based on the facts within the same administration.

The Senate Intelligence Committee issued a 511-page report on this effort, and they concluded that the CIA analyst involved was so determined to prove his theory on this aluminum tube that he twisted test results, ignored factual discrepancies, and ignored dissenting views.

We know how this ended. It ended with the American people and many Members of Congress convinced that these aluminum tubes were being used for nuclear weapons. For some Members of the Senate, there was no choice; they had to use this evidence to build a case to go to war in Iraq. Statements were made by Vice President CHENEY on August 26, 2002, at the VFW convention in Nashville. Despite the dispute going on within his own administration, the Vice President said:

> The case of Saddam Hussein, a sworn enemy of our country, requires candid appraisal of the facts.

Mr. CHENEY went on to say:

> We now know—

And this is August of 2002—

> We now know Saddam has resumed his efforts to acquire nuclear weapons.

On the thinnest evidence, on the disputed aluminum tubes, Vice President CHENEY made the strongest possible case he could make that the nuclear weapons program in Iraq was underway. He conjured these images of an Iraq of nuclear weapons and the threat they posed to the world while members of his own administration disputed his conclusions.

Again, President Bush, Mr. Tenet, and others made these cases over and over again about the aluminum tubes. Mr. CHENEY went on ''Meet the Press'' on September 8, 2002, and confirmed when asked that the tubes were the

most alarming evidence behind the administration's view that Iraq had resumed its nuclear weapons programs. He said the tubes had ''raised our level of concern.''

The same day, Dr. Rice went on CNN and said that the aluminum tubes ''are only really suited for nuclear weapons programs.'' She made that statement at a time when the President's own Department of Energy had reached an opposite conclusion. She said these tubes ''are only really suited for nuclear weapons programs'' when, in fact, that was not the case.

What we have learned here in the course of this investigation, what we have learned from all of the investigations that followed after our invasion of Iraq, what we have learned now that the 9/11 Commission, the bipartisan Commission, has had a chance to look closely at the evidence is that in this case and in so many others, we were misled. The American people were given wrong information and bad information about the situation in Iraq. It was not just flawed intelligence; it was not just a failure of the intelligence agencies; it was a failure of the leaders in the Bush administration to honestly portray the facts, to tell the American people that there was suspicion of a nuclear weapons program but an honest dispute as to whether it existed. Why didn't they portray it that way? Because we would never have gone to war if they had told us that fact, if they had given us the evidence straight, if they had told us about disputes within this administration which were unresolved.

There was a debate last Thursday night between the two leading candidates, the President and Senator KERRY, about foreign policy and about Iraq. Time and again, President Bush said that his was a difficult job, and I do not dispute that for a moment. He talked about all the hard work that was necessary to protect America, and I do not doubt there is hard work. But I will tell you this: part of that hard work has to include taking an honest look at the evidence given to you as the Commander in Chief, being willing to say that if there is a dispute about evidence so basic as these aluminum tubes and the nuclear weapon program of Iraq, that no President should step forward and mislead the American people.

That dispute was ongoing within the Bush administration, and yet clear statements were made by the President, the Vice President, and leading members of the Cabinet that a nuclear weapons program existed when, in fact, it did not.

I hope my colleagues and others will review this evidence, understand the challenges we face, and I hope they will also come to the same conclusion that I have, and that is that whatever we face in terms of threats in the future, whoever that President might be, I am certain he will be committed to the security of America, but he also must be committed to the values of America—the values of honesty, openness, and candor, even when the facts do not support original conclusions.

In some cases, Senator KERRY has been criticized because he changed his position. In this case, the Bush administration took a position on nuclear weapons in Iraq that was wrong, that history and the evidence has proven was wrong. They refused to acknowledge the facts and evidence that came out to dispute it. They stuck with their story even when it was wrong, and now today we have serious questions as to the reasoning and the case made before our invasion of Iraq.

Mr. President, I yield the floor in morning business. I would like to ask the Presiding Officer—I do not see either the chairman of the Governmental Affairs Committee or the ranking member in the Chamber. I have a pending amendment to the bill. I am not going to even suggest to offer it since the chairman is not on the Senate floor, but I will at some later time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the Senator from Illinois is very eloquent in the position he takes, and he argues pretty aggressively in this political season one point of view on the question of nuclear weaponry and how the Senate was briefed.

He said one thing that is true. I was not a member of the Intelligence Committee, but as a Senator, we received repeated briefings on the weapons of mass destruction issue, and in the briefings we received, all Members of the Senate, and that includes the Democratic nominee for the Presidency, a Member of this body, Senator KERRY, the issue of what those tubes were for was discussed and both sides of it were presented. It was left to the Senators, I guess, to decide how they would call the question.

I felt as if the weight of the evidence indicated to me that Saddam Hussein was doing what he had done before, that this was just one of the weapons of mass destruction he was desirous of having, he was desirous of possessing and that he wanted to use to threaten his neighbors, his own people, and to improve his threat standing in the neighborhood in which his country existed. In other words, he was clearly desirous of that, else why would he not agree to a full inspection to prove what he did with the remains of his nuclear program that we know he had previously? Else why would he not show what he had done with the chemical weapons we know he used against his own people? And we all heard those briefings.

I know the Presiding Officer was there in those briefings. We heard them, and we knew the issues involved. We debated it on the floor of this Senate for months and months and we discussed all those issues and we had to make a decision about whether or not to allow Saddam Hussein to remain in violation of 16 U.N. resolutions.

We said we could not continue in this way. They fired at airplanes on a regular basis as they enforced the U.N. no-fly zone over Iraq, and we voted on it.

After having all of those issues discussed, after having received the intelligence with both sides of this question discussed before the Senators, Senator KERRY, as referred to by the Senator from Illinois—he referred to him in his campaign—voted to allow the President to make one final effort with Saddam Hussein and authorized him to commence hostilities if that did not succeed.

Those last discussions did not succeed and we made one more effort. They did not succeed and we went to war as every Member of this body knew when we cast that vote. This body was not misled and Senator DURBIN was not misled because he heard the same briefings as he has told us, and neither was Senator KERRY when he cast his vote in favor of allowing this war to proceed.

I think it is critical for leadership in America that if an American makes a commitment and a decision on an issue as important as that to keep the commitment and not flip-flop on it next week, not change their mind next week and go back and try to find some excuse to blame the President who is leading troops in the field and make complaints on the floor of this Senate and in press conferences, statements which make it more difficult for us to be successful.

We know what the challenge is, and we as a nation have made a commitment. This Senate, by a three-fourths plus vote, voted to allow this war to begin. We knew it was going to happen if Saddam Hussein did not back down and admit what he was doing and allow inspectors to come in and demonstrate clearly that he did not have these weapons of mass destruction. We received intensive briefings on that subject. We cast our votes and God gave us the ability to make a clear decision. We ought to stand by that decision, and we are going to stand by it.

There are some who want to cut and run, bob and weave, flip and flop, but the American people will not and this Senate is not. We are going to stand firm and we are going to be successful in Iraq because it is the right thing to do.

Those people have suffered greatly but progress has been made and will continue to be made. We are going to train the military, get them up to speed, and get them equipped. As we have seen in Samara when that happens and they work with the American military, progress, success can and will occur. This is a longrun solution.

We have had so much success in Afghanistan where it is so wonderful to see over 10 million people registered to vote there, and 40 percent of them are women. To say that we cannot make progress in this area of the world is a mistake.

Yes, it is tough. Yes, it is difficult. Yes, a significant but small number want to disrupt everything that has gone on and to make sure that democracy cannot take hold and a good and decent government will not be established to allow the Iraqi people to use their capabilities and work ethic to allow them to be successful, which is important for us. I just would make that response.

I see Senator COLLINS is in the Chamber. I was going to make a statement on a separate issue, but if the Senator needs the floor for matters important to the bill, I would be glad to yield.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Alabama. I do have two brief matters to deal with and then I would be glad to figure out where our order is.

I ask unanimous consent that the Senator from Arizona, Mr. MCCAIN, be added as a cosponsor to the underlying bill, S. 2845.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that the pending amendments be set aside so I may call up two amendments on behalf of the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3895, AS MODIFIED, AND 3896, EN BLOC

Ms. COLLINS. Mr. President, I call up amendments Nos. 3895 and 3896, and further I send a modification to No. 3895 to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is modified. Both amendments will now be pending.

The amendments are as follows:

AMENDMENT NO. 3985

On page 94, strike line 5 and insert the following:

SEC. 144. NATIONAL COUNTERPROLIFERATION CENTER.

(a) NATIONAL COUNTERPROLIFERATION CENTER.—(1) Not later than one year after enactment of this Act there shall be established within the National Intelligence Authority a National Counterproliferation Center.

(2) The purpose of the Center is to develop, direct, and coordinate the efforts and activities of the United States Government to deter, prevent, halt, and rollback the pursuit, acquisition, development, and trafficking of weapons of mass destruction, related materials and technologies, and their delivery systems to terrorists, terrorist organizations, other non-state actors of concern, and state actors of concern.

(b) DIRECTOR OF NATIONAL COUNTERPROLIFERATION CENTER.—(1) There is a Director of the National Counterproliferation Center, who shall be the head of the National Counterproliferation Center, and who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) Any individual nominated for appointment as the Director of the National Counterproliferation Center shall have significant expertise in matters relating to the national security of the United States and matters relating to the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies that threaten the national security of the United States, its interests, and allies.

(3) The individual serving as the Director of the National Counterproliferation Center may not, while so serving, serve in any capacity in any other element of the intelligence community, except to the extent that the individual serving as Director of the National Counterproliferation Center is doing so in an acting capacity.

(c) SUPERVISION.—(1) The Director of the National Counterproliferation Center shall report to the National Intelligence Director on the budget, personnel, activities, and programs of the National Counterproliferation Center.

(2) The Director of the National Counterproliferation Center shall report to the National Intelligence Director on the activities of the Directorate of Intelligence of the National Counterproliferation Center under subsection (g).

(3) The Director of the National Counterproliferation Center shall report to the President and the National Intelligence Director on the planning and progress of counterproliferation programs, operations, and activities.

(d) PRIMARY MISSIONS.—The primary missions of the National Counterproliferation Center shall be as follows:

(1) To develop and unify strategy for the counterproliferation efforts (including law enforcement, economic, diplomatic, intelligence, and military efforts) of the United States Government.

(2) To make recommendations to the National Intelligence Director with regard to the collection and analysis requirements and priorities of the National Counterproliferation Center.

(3) To integrate counterproliferation intelligence activities of the United States Government, both inside and outside the United States, and with other governments.

(4) To develop multilateral and United States Government counterproliferation plans, which plans shall—

(A) involve more than one department, agency, or element of the executive branch (unless otherwise directed by the President) of the United States Government; and

(B) include the mission, objectives to be achieved, courses of action, parameters for such courses of action, coordination of agency operational activities, recommendations for operational plans, and assignment of national, departmental, or agency responsibilities.

(5) To ensure that the collection, analysis, and utilization of counterproliferation intelligence, and the conduct of counterproliferation operations, by the United States Government are informed by the analysis of all-source intelligence.

(e) DUTIES AND RESPONSIBILITIES OF DIRECTOR OF NATIONAL COUNTERPROLIFERATION CENTER.—Notwithstanding any other provision of law, at the direction of the President, the National Security Council, and the National Intelligence Director, the Director of the National Counterproliferation Center shall—

(1) serve as the principal adviser to the President and the National Intelligence Director on intelligence and operations relating to counterproliferation;

(2) provide unified strategic direction for the counterproliferation efforts of the United States Government and for the effective integration and deconfliction of counterproliferation intelligence collection, analysis, and operations across agency boundaries, both inside and outside the United States, and with foreign governments;

(3) advise the President and the National Intelligence Director on the extent to which the counterproliferation program recommendations and budget proposals of the departments, agencies, and elements of the United States Government conform to the policies and priorities established by the President and the National Security Council;

(4) in accordance with subsection (f), concur in, or advise the President on, the selections of personnel to head the nonmilitary operating entities of the United States Government with principal missions relating to counterproliferation;

(5) serve as the principal representative of the United States Government to multilateral and bilateral organizations, forums, events, and activities related to counterproliferation;

(6) advise the President and the National Intelligence Director on the science and technology research and development requirements and priorities of the counterproliferation programs and activities of the United States Government; and

(7) perform such other duties as the National Intelligence Director may prescribe or are prescribed by law;

(f) ROLE OF DIRECTOR OF NATIONAL COUNTERPROLIFERATION CENTER IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in the most senior position of such nonmilitary operating entities of the United States Government having principal missions relating to counterproliferation as the President may designate, the head of the department or agency having jurisdiction over the position shall obtain the concurrence of the Director of the National Counterproliferation Center before appointing an individual to fill the vacancy or recommending to the President an individual for nomination to fill the vacancy. If the Director does not concur in the recommendation, the head of the department or agency concerned may fill the vacancy or make the recommendation to the President (as the case may be) without the concurrence of the Director, but shall notify the President that the Director does not concur in the appointment or recommendation (as the case may be).

(2) The President shall notify Congress of the designation of an operating entity of the United States Government under paragraph (1) not later than 30 days after the date of such designation.

(g) DIRECTORATE OF INTELLIGENCE.—(1) The Director of the National Counterproliferation Center shall establish and maintain within the National Counterproliferation Center a Directorate of Intelligence.

(2) The Directorate shall have primary responsibility within the United States Government for the collection and analysis of information regarding proliferators (including individuals, entities, organizations, companies, and states) and their networks, from all sources of intelligence, whether collected inside or outside the United States, or by foreign governments.

(3) The Directorate shall—

(A) be the principal repository within the United States Government for all-source information on suspected proliferators, their networks, their activities, and their capabilities;

(B) propose intelligence collection and analysis requirements and priorities for action by elements of the intelligence community inside and outside the United States, and by friendly foreign governments;

(C) have primary responsibility within the United States Government for net assessments and warnings about weapons of mass destruction proliferation threats, which assessments and warnings shall be based on a comparison of the intentions and capabilities of proliferators with assessed national vulnerabilities and countermeasures;

(D) conduct through a separate, independent office independent analyses (commonly referred to as ''red teaming'') of intelligence collected and analyzed with respect to proliferation; and

(E) perform such other duties and functions as the Director of the National Counterproliferation Center may prescribe.

(h) DIRECTORATE OF PLANNING.—(1) The Director of the National Counterproliferation Center shall establish and maintain within the National Counterproliferation Center a Directorate of Planning.

(2) The Directorate shall have primary responsibility for developing counterproliferation plans, as described in subsection (d)(3).

(3) The Directorate shall—

(A) provide guidance, and develop strategy and interagency plans, to counter proliferation activities based on policy objectives and priorities established by the National Security Council;

(B) develop plans under subparagraph (A) utilizing input from personnel in other departments, agencies, and elements of the United States Government who have expertise in the priorities, functions, assets, programs, capabilities, and operations of such departments, agencies, and elements with respect to counterproliferation;

(C) assign responsibilities for counterproliferation operations to the departments and agencies of the United States Government (including the Department of Defense, the Department of State, the Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Homeland Security, and other departments and agencies of the United States Government), consistent with the authorities of such departments and agencies;

(D) monitor the implementation of operations assigned under subparagraph (C) and update interagency plans for such operations as necessary;

(E) report to the President and the National Intelligence Director on the performance of the departments, agencies, and elements of the United States with the plans developed under subparagraph (A); and

(F) perform such other duties and functions as the Director of the National Counterproliferation Center may prescribe.

(4) The Directorate may not direct the execution of operations assigned under paragraph (3).

(i) STAFF.—(1) The National Intelligence Director may appoint deputy directors of the National Counterproliferation Center to oversee such portions of the operations of the Center as the National Intelligence Director considers appropriate.

(2) To assist the Director of the National Counterproliferation Center in fulfilling the duties and responsibilities of the Director of the National Counterproliferation Center under this section, the National Intelligence Director shall employ in the National Counterproliferation Center a professional staff having an expertise in matters relating to such duties and responsibilities.

(3) In providing for a professional staff for the National Counterproliferation Center under paragraph (2), the National Intelligence Director may establish as positions in the excepted service such positions in the Center as the National Intelligence Director considers appropriate.

(4) The National Intelligence Director shall ensure that the analytical staff of the National Counterproliferation Center is comprised primarily of experts from elements in the intelligence community and from such other personnel in the United States Government as the National Intelligence Director considers appropriate.

(5)(A) In order to meet the requirements in paragraph (4), the National Intelligence Director shall, from time to time—

(i) specify the transfers, assignments, and details of personnel funded within the National Intelligence Program to the National Counterproliferation Center from any other non-Department of Defense element of the intelligence community that the National Intelligence Director considers appropriate; and

(ii) in the case of personnel from a department, agency, or element of the United States Government and not funded within the National Intelligence Program, request the transfer, assignment, or detail of such personnel from the department, agency, or other element concerned.

(B)(i) The head of an element of the intelligence community shall promptly effect any transfer, assignment, or detail of personnel specified by the National Intelligence Director under subparagraph (A)(i).

(ii) The head of a department, agency, or element of the United States Government receiving a request for transfer, assignment, or detail of personnel under subparagraph (A)(ii) shall, to the extent practicable, approve the request.

(6) Personnel employed in or assigned or detailed to the National Counterproliferation Center under this subsection shall be under the authority, direction, and control of the Director of the National Counterproliferation Center on all matters for which the Center has been assigned responsibility and for all matters related to the accomplishment of the missions of the Center.

(7) Performance evaluations of personnel assigned or detailed to the National Counterproliferation Center under this subsection shall be undertaken by the supervisors of such personnel at the Center.

(8) The supervisors of the staff of the National Counterproliferation Center may, with the approval of the National Intelligence Director, reward the staff of the Center for meritorious performance by the provision of such performance awards as the National Intelligence Director shall prescribe.

(9) The National Intelligence Director may delegate to the Director of the National Counterproliferation Center any responsibility, power, or authority of the National Intelligence Director under paragraphs (1) through (8).

(10) The National Intelligence Director shall ensure that the staff of the National Counterproliferation Center has access to all databases and information maintained by the elements of the intelligence community that are relevant to the duties of the Center.

(j) SUPPORT AND COOPERATION OF OTHER AGENCIES.—(1) The elements of the intelligence community and the other departments, agencies, and elements of the United States Government shall support, assist, and cooperate with the National Counterproliferation Center in carrying out its missions under this section.

(2) The support, assistance, and cooperation of a department, agency, or element of the United States Government under this subsection shall include, but not be limited to—

(A) the implementation of interagency plans for operations, whether foreign or domestic, that are developed by the National Counterproliferation Center in a manner consistent with the laws and regulations of the United States and consistent with the limitation in subsection (h)(4);

(B) cooperative work with the Director of the National Counterproliferation Center to ensure that ongoing operations of such department, agency, or element do not conflict with operations planned by the Center;

(C) reports, upon request, to the Director of the National Counterproliferation Center on the performance of such department, agency, or element in implementing responsibilities assigned to such department, agency, or element through joint operations plans; and

(D) the provision to the analysts of the National Counterproliferation Center electronic access in real time to information and intelligence collected by such department, agency, or element that is relevant to the missions of the Center.

(3) In the event of a disagreement between the National Intelligence Director and the head of a department, agency, or element of the United States Government on a plan developed or responsibility assigned by the National Counterproliferation Center under this subsection, the National Intelligence Director may either accede to the head of the department, agency, or element concerned or notify the President of the necessity of resolving the disagreement.

(k) DEFINITIONS.—In this section:

(1) The term ''counterproliferation'' means—

(A) activities, programs and measures for interdicting (including deterring, preventing, halting, and rolling back) the transfer or transport (whether by air, land or sea) of weapons of mass destruction, their delivery systems, and related materials and technologies to and from states and non-state actors (especially terrorists and terrorist organizations) of proliferation concern;

(B) enhanced law enforcement activities and cooperation to deter, prevent, halt, and rollback proliferation-related networks, activities, organizations, and individuals, and bring those involved to justice; and

(C) activities, programs, and measures for identifying, collecting, and analyzing information and intelligence related to the transfer or transport of weapons, systems, materials, and technologies as described in subparagraph (A).

(2) The term ''states and non-state actors of proliferation concern'' refers to countries or entities (including individuals, entities, organizations, companies, and networks) that should be subject to counterproliferation activities because of their actions or intent to engage in proliferation through—

(A) efforts to develop or acquire chemical, biological, or nuclear weapons and associated delivery systems; or

(B) transfers (either selling, receiving, or facilitating) of weapons of mass destruction, their delivery systems, or related materials.

AMENDMENT NO. 3896

(Purpose: To include certain additional Members of Congress among the congressional intelligence committees and for certain other purposes)

On page 8, strike lines 3 and 4 and insert the following:

(A) the Select Committee on Intelligence of the Senate;

(B) the Permanent Select Committee on Intelligence of the House of Representatives;

(C) the Speaker of the House of Representatives and the Majority Leader and the Minority Leader of the House of Representatives; and

(D) the Majority Leader and the Minority Leader of the Senate.

On page 172, beginning on line 24, strike ''the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives,'' and insert ''the committees and Members of Congress specified in subsection (c),''.

On page 173, beginning on line 17, strike ''the Select Committee on Intelligence of the

Senate, the Permanent Select Committee on Intelligence of the House of Representatives,'' and insert ''the committees and Members of Congress specified in subsection (c),''.

On page 174, beginning on line 7, strike ''Representatives'' and all that follows through line 13 and insert ''Representatives, the Speaker of the House of Representatives and the Majority Leader and the Minority Leader of the House of Representatives, and the Majority Leader and the Minority Leader of the Senate. Upon making a report covered by this paragraph—

''(A) the Chairman, Vice Chairman, or Ranking Member, as the case may be, of such a committee shall notify the other of the Chairman, Vice Chairman, or Ranking Member, as the case may be, of such committee of such request;

''(B) the Speaker of the House of Representatives and the Majority Leader of the House of Representatives or the Minority Leader of the House of Representatives shall notify the other or others, as the case may be, of such request; and

''(C) the Majority Leader and Minority Leader of the Senate shall notify the other of such request.

On page 174, between lines 22 and 23, insert the following:

(c) COMMITTEES AND MEMBERS OF CONGRESS.—The committees and Members of Congress specified in this subsection are—

(1) the Select Committee on Intelligence of the Senate;

(2) the Permanent Select Committee on Intelligence of the House of Representatives;

(3) the Speaker of the House of Representatives and the Majority Leader and the Minority Leader of the House of Representatives; and

(4) the Majority Leader and the Minority Leader of the Senate.

On page 176, between lines 3 and 4, insert the following:

(iii) the Speaker of the House of Representatives and the Majority Leader and the Minority Leader of the House of Representatives;

(iv) the Majority Leader and the Minority Leader of the Senate;

On page 176, line 4, strike ''(ii)'' and insert ''(v)''.

On page 176, line 7, strike ''(iii)'' and insert ''(vi)''.

On page 200, between lines 4 and 5, insert the following:

SEC. 307. MODIFICATION OF DEFINITION OF CONGRESSIONAL INTELLIGENCE COMMITTEES UNDER NATIONAL SECURITY ACT OF 1947.

(a) IN GENERAL.—Paragraph (7) of section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended to read as follows:

''(7) The term 'congressional intelligence committees' means—

''(A) the Select Committee on Intelligence of the Senate;

''(B) the Permanent Select Committee on Intelligence of the House of Representatives;

''(C) the Speaker of the House of Representatives and the Majority Leader and the Minority Leader of the House of Representatives; and

''(D) the Majority Leader and the Minority Leader of the Senate.''.

(b) FUNDING OF INTELLIGENCE ACTIVITIES.—Paragraph (2) of section 504(e) of that Act (50 U.S.C. 414(e)) is amended to read as follows:

''(2) the term 'appropriate congressional committees' means—

''(A) the Select Committee on Intelligence and the Committee on Appropriations of the Senate;

''(B) the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives;

''(C) the Speaker of the House of Representatives and the Majority Leader and the Minority Leader of the House of Representatives; and

''(D) the Majority Leader and the Minority Leader of the Senate;''.

On page 200, line 5, strike ''**307.**'' and insert ''**308.**''.

On page 200, line 12, strike ''**308.**'' and insert ''**309.**''.

On page 200, line 19, strike ''**309.**'' and insert ''**310.**''.

On page 201, line 11, strike ''**310.**'' and insert ''**311.**''.

On page 203, line 9, strike ''**311.**'' and insert ''**312.**''.

On page 204, line 1, strike ''**312.**'' and insert ''**313.**''.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent that the pending amendments be set aside so I can offer an amendment for Senator DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3923

Mr. REID. I call up amendment No. 3923.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 3923

(Purpose: To ensure the balance of privacy and civil liberties)

On page 154, strike lines 1 through 3 and insert the following:

(1) analyze and review actions the executive branch takes to protect the Nation from terrorism, ensuring that the need for such actions is balanced with the need to protect privacy and civil liberties; and

On page 155, line 6 strike beginning with ''has'' through line 9 and insert the following: ''has established—

''(i) that the need for the power is balanced with the need to protect privacy and civil liberties;''.

On page 166, strike lines 4 through 6 and insert the following: ''element has established—

''(i) that the need for the power is balanced with the need to protect privacy and civil liberties;''.

The PRESIDING OFFICER. The amendment is pending.

Mr. REID. I ask that it now be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3871

Mr. SESSIONS. Mr. President, I rise to speak in support of an amendment previously offered, No. 3871, and to share some thoughts about what I believe to be a critical issue facing us in terms of security for this country.

One thing this legislation we are discussing today could do better is it could more effectively help deal with weaknesses that exist in our system today. We are moving blocks around at headquarters and creating responsibilities. Some of that may be good and some of that may not, but what I have not seen enough of is focus on what really is a problem and a weakness in our system and proposals that will actually fix that and make it stronger.

We know, for example, that lack of human intelligence over decades since I guess the Church Committee has left us far too few intelligence officers around the world. We know that we have far too few translators who can translate foreign languages that may involve people who have connections to terrorism. Those are things we know are problems, and I am afraid we do not do enough about it.

This is a matter that I think is critically important that is a problem generally recognized by people today in this country who give it much thought. It is simply this: That if a police officer in any town in America were to stop an individual he or she believes to be here illegally, I would suggest that most Americans do not know what will happen at that point. As a former Federal prosecutor and Attorney General of Alabama, I travel the State and frequently meet with local law officers, sheriffs and police officers, and I ask them what they do when they discover someone who has been in this country illegally.

The answer is, they let them go. They used to call the Immigration and Naturalization Service and they would tell them that if there were not at least 15 people in this group illegally they would not bother to come and even pick up this individual. As a result of that and a few court rulings that, in my view, are not persuasive, are not binding, the mentality has developed among State and local law enforcement that they do not have any role in enforcing our immigration laws, and they do not do it.

I raise this simply because it used the same language I have used before. This is an article from, I believe, a Portsmouth, New Hampshire, paper. It involves the Kittery, ME, police chief. The first line of the article says, ''This country is facing a tremendous security issue when it comes to illegal aliens.''

The chief of police sent that strong message after his department detained a Colombian citizen and a Bulgarian citizen. Both were found to be in the country after their visas had expired—illegally:

. . . but the police were told by Immigration and Naturalization Service agents, to release them.

''They just let them go,'' the Chief said.

That is what happens in America today. That is reality. Anyone who suggests that our police are able to participate effectively in apprehending people who are here illegally does not know what is happening in the real world. We have 650,000 State and local police officers in America—sheriff deputies, police officers, State troopers,

and the like. But there are only 2,000 Interior enforcement officers for the Department of Immigration—ICE, they now call it; only 2,000 in the whole country.

So, to tell our local people we don't want your help in this is unwise. It is a serious flaw in our system and I propose that we fix it.

I understand the way we are proceeding here that this amendment is probably not germane. Therefore, if it is not germane, with cloture probably we will not get a vote on it. But it is something I wanted to share with the Members of this Senate.

We have Senator CORNYN, Senator ENSIGN, Senator CHAMBLISS—who chairs the Immigration Subcommittee in Judiciary—and Senator MILLER from Georgia. They have signed onto this amendment. Senator INHOFE, I see just came in, is a signer and supporter of this amendment. It is common sense. It is plain common sense. What we are doing now is wrong. I am very concerned about it.

In addition to the fact that they are told not to participate in the apprehension or detention or holding of someone who is here illegally, even more bizarre is the fact that we now have 400,000 alien absconders in this country. That is 400,000 people who were determined to be in this country illegally, by one forum or another, by administrative ruling or court determination, and have been issued final orders of deportation, but are still at large. What do you think would normally happen if that occurred, if someone is found here illegally and determined so by an administrative or court proceeding? You would think they would be asked to leave. They would be deported.

What happens is they are released on bail pending a final order of deportation and 80 percent of those never come back. They don't show up for their deportation hearing. They abscond.

Mr. President, 86,000 of those are criminal felons; of that 400,000 who absconded, 86,000 are criminal felons who came to this country with permission to live here and work here according to the rules and regulations. They have been convicted of a felony and they have been ordered deported, but they abscond and they are out there—criminals, many of whom are threats. Fifteen thousand of these 86,000 have been determined to be of ''national security interest,'' and 3,000 come from state sponsors of terrorism.

We know that three of the 9/11 hijackers had contact with State and local police during routine traffic stops prior to 9/11. Hijacker Mohammed Atta, believed to have piloted American Airlines flight 77 into the World Trade Center's north tower, was stopped twice by police in Florida. Hijacker Ziad S. Jarrah was stopped for speeding by Maryland State police 2 days before 9/11. Hani Hanjour, who was on the flight that crashed into the Pentagon, was stopped for speeding by police in Arlington, VA.

Right now, if a State or local officer stops one of these 400,000 absconders, they have no real way of knowing the person has been ordered removed from the country by an immigration court. Do you understand that? The key thing here is that people need to understand how the system works. Let's say a Mohammad Atta had been arrested for reckless driving or DUI, that he was in violation of his immigration laws and was ordered deported, and that he absconded back into the country and he is stopped in Maryland or Alabama or Maine by a local police officer. What would happen? If he had committed larceny and had a warrant out for his arrest from Maine, I will tell you what would happen if he is stopped in Alabama. The police officer will run the National Crime Information Computer check. It will come out that there is a warrant out for his or her arrest for larceny in Maine, and he will be held and turned over to the Maine authorities to be prosecuted.

What happens if a person is one of the 400,000 alien absconders? That information is not being put in the NCIC database, so it is not available to the police officers who make a check. They can't determine whether this is a danger to America.

This is what our amendment would do. It would simply clarify the authority of State and local police, that they have a voluntary role in their local role that requires information, and it requires information such as revoked visas and final orders of deportation be listed in the NCIC so the State and local officers can have access to it in the course of their routine duties. It does not say people have to go out and start looking for illegal aliens, but if they apprehend somebody, they run the NCIC check and see whether there is a final order of deportation in the system.

Action by state and local police is totally voluntary. There has been some concern that similar legislation would require the local police to participate in enforcing immigration laws, which I personally think most should—or at least they ought to. But this amendment would not require any action by state and local officers. It also has no link to any funding they are currently receiving.

The amendment goes a step further to clarify the voluntary nature of this amendment it includes language saying that nothing would require the State and local officers to report the immigration status of witnesses of crimes or victims of crimes. Some say if you do that, people will not come forward and report a crime; if they are a victim, they will not come forward and report if they are a witness. This amendment does not require any of that.

Let me briefly conclude. I could say much more about this. But the 9/11 Commission dealt with this issue. They recognize the ''growing role''—that is a quote in the 9/11 Commission report—of our State and local law enforcement agencies in the area of immigration law enforcement, and for effective cooperation of all levels of immigration law enforcement—Federal, State, and local.

They also noted this challenge. On page 383 of the 9/11 report:

> The challenge for national security in an age of terrorism is to prevent the very few people who may pose overwhelming risk from entering or remaining in the United States undetected.

We ought to listen to that. It is a threat to our country, that the people who are here illegally remain here without being apprehended. They say there is a growing role for State and local law enforcement in this area. That is why we have offered this language. That is why, even before 9/11, I recognized the problem would be crucial for this country.

I am very frustrated but we need to step up to the plate and make sure every local and State law enforcement officer knows what their authority is; that the Federal ICE people will come and retrieve people who are here illegally; that people who have absconded after a valid order of deportation and a warrant for their arrest has been issued. That ought to be in the NCIC for an immigration offense just as much as a petty larceny offense or a DUI offense. That is not the way it is today.

We have to confront this issue. In one fell sweep we could add 600,000-plus law officers—the eyes and ears of America on the streets of every city and town in America. We could add them to the effort to make this country secure. We could add them as eyes and ears with the ability to identify and arrest people who have warrants out for them, who may be 1 of 3,000 from countries that harbor terrorism.

I thank the Chair. I believe we need to continue to work on this. I intend to do so. We ought to have a vote on this, if possible. If not, we will just keep coming back at it.

AMENDMENTS NO. 3850, NO. 3851, NO. 3855, NO. 3856, AND NO. 3872

I ask unanimous consent that the pending amendment be set aside, and on behalf of Senator GRASSLEY, I would like to call up en bloc five amendments that are filed at the desk. I call up amendments No. 3850, No. 3851, No. 3855, No. 3856, and No. 3872, and I ask unanimous consent that the amendments be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. LIEBERMAN. Objection is made.

I ask the Senator from Alabama if he could indicate what the amendments are.

Mr. SESSIONS. I thank Senator LIEBERMAN. This was a request from Senator GRASSLEY, and I called these amendments up and then asked that they be set aside.

Mr. LIEBERMAN. I thank the Senator.

I remove my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 3566

Mr. SPECTER. Mr. President, I have filed amendment No. 3866, which would prohibit racial profiling with the relevant section as follows:

The term ''racial profiling'' means the practice of law enforcement agents relying to any degree on race, ethnicity, religion or national origin in selecting which individuals to subject to routine or spontaneous investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial investigatory procedure except where there is trustworthy information relevant to the locality and timeframe that links persons of a particular race, ethnicity, religion or national origin to an identified criminal incident or scheme.

The amendment further defines routine or spontaneous investigative activities to include interviews, traffic stops, pedestrian stops, frisks, and other types of body searches, consensual or nonconsensual searches of the person and possessions, including vehicles, pedestrians, entrants into the United States that are more extensive than those customarily carried out, immigration-related workplace investigations, or other types of enforcement encounters as compiled by the Federal Bureau of Investigation or the Bureau of Statistics.

As evident from these definitions, a number of these items would relate to the kinds of activities of national intelligence, the immigration-related workplace investigations, inspections and interviews of interest to United States.

This amendment tracks very closely the provisions of the Department of Justice guidance regarding use of race by Federal law enforcement agencies promulgated in June of 2003 which says in relevant part, ''in making routine or spontaneous law enforcement decisions, such as ordinary traffic stops, Federal law enforcement officers may not use race or ethnicity to any degree except that officers may rely on race or ethnicity in a specific subject description.''

I understand the managers are not prepared to have another vote this evening.

But for the RECORD I ask unanimous consent that the pending amendment be set aside and the amendment No. 3866 be taken up for consideration.

Mr. REID. Mr. President, reserving the right to object, I understand the legal prowess of the Senator from Pennsylvania when there is a legal issue. I know the good intentions he has in regard to this most important subject matter and to what the amendment relates. But on behalf of the authorizers, I think this matter should be discussed at the Judiciary Committee level in some detail, and it has not. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Mr. President, I have sought to offer this amendment for most of the afternoon. I offered two amendments last week. I know how difficult it is to manage a bill.

I, again, compliment the distinguished chairman, Senator COLLINS, and the distinguished ranking member, Senator LIEBERMAN, for their work.

As soon as the bill was called to the floor last week, I came to the floor and offered two amendments to cooperate with the managers. I was awaiting the time to offer this amendment.

The problem which is posed procedurally is that cloture will be filed tomorrow. If cloture is invoked, this amendment will not satisfy the germaneness requirements which is the reason I have offered it this evening. But in light of the objection to set aside the pending amendment so debate and a vote can occur on this amendment, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Pennsylvania. He is a very valued and constructive member of our committee in considering this legislation. He was dealing in this amendment with a problem that ought to be dealt with, but, unfortunately, because of the moment we have reached on this bill where effectively unanimous consent is necessary to take up a matter for a vote and objection has been heard on both sides, that will not be possible.

I thank him. I thank him for getting the process going last week and, as he said, coming over early and submitting two amendments which helped to clarify the matters this bill contains. There will be another day for this amendment, I am sure.

Once again, I thank him for his real leadership in pursuit of reform of our national intelligence assets.

I yield the floor.

Ms. COLLINS. Mr. President, I join the Senator from Connecticut and the Senator from Nevada in their compliments of the Senator of the Commonwealth of Pennsylvania. I do very much appreciate that he was so willing to come forward early last week and offer the first amendments. I regret that objection on both sides of the aisle prevent us from accommodating him this evening.

Mr. SPECTER. Mr. President, I thank my colleagues for their gracious comments and pick up on what Senator LIEBERMAN said. This amendment will return. There will be a day for its due consideration and I think enactment by this body.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent I be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GRANT DOLLARS AT EPA

Mr. INHOFE. Mr. President, I rise today to shed some light on a subject that is very important to me in my oversight duties as the chairman of the Environment and Public Works Committee. Earlier this year, the Environment and Public Works Committee held an oversight hearing where the committee heard testimony from the General Accounting Office and the EPA inspector general regarding a 10-year history of numerous problems with the management of grant dollars at the Environmental Protection Agency.

Some of the problems included EPA not requiring grant recipients to demonstrate real environmental benefits for grants, EPA not requiring competition in its grants awards, and a general lack of oversight of EPA grant officers and recipients. The EPA inspector general released an audit only 2 days before the hearing, finding that a particular nonprofit guaranty had violated the Lobbying Disclosure Act, and with nearly $5 million of EPA grant funding.

Members may recall, because I talked about it at that time, that it was the Consumer Federation of America, which is a 501(c)(4), that had been a recipient of discretionary grants from the EPA. That is a 501(c)(4) as in lobbying organization. They support candidates. It is strictly against the law.

Over the last few months, my staff has done considerable research into the EPA grant and confirmed many of the problems and also found the EPA has a long history of awarding grant dollars without competition to some well-known nonprofit environmental groups that regularly engage in political activity. My staff has compiled some of these findings in this 30-page report to the chairman.

In examining how the environmental groups receive and spend their Federal dollars, it became apparent they receive funding from numerous sources, including large foundations. Within these organizations, political and grassroots efforts quickly became difficult to differentiate the sources of their funding and how they spend them. Therefore, I instructed my staff to examine the funding and expenditure records of the organizations. That has resulted in a second report which is the focus of my remarks today.

My staff has compiled this information into a 15-page report for the chairman to provide some preliminary examples describing five of the most widely politically active environmental groups, the description of their activity, the foundations that provide the financial support for these groups, and the interconnected web among all those organizations.

Interestingly, these environmental groups are all tax-exempt, IRS-registered 501(c)(3) charitable organizations, meaning contributions to these groups are tax deductible. These groups profess to be the greatest stewards of the environment and solicit contributions from a variety of sources by that claim. But they demonstrate more interest in giving apocalyptic environmental scenarios to raise money for raw political purposes rather than working together to improve the environment for America.

We have money from foundations, individuals, and government grants going into environmental groups, and then they turn around and put these out to the 501(c)(3), 527 organizations and 501(c)(4), these are political organizations. All these nonprofit groups are also closely associated and fund their affiliated 501(c)(4) lobbying organizations and the 527 political organizations.

This report could not be more timely as the Washington Post, as recently as September 27 of this year, published an article demonstrating that IRS 501(c)(3), 501(c)(4), and 527 organizations are all engaged in political activity this election cycle with expenditures designed to circumvent the prohibitions in the bipartisan campaign Reform Act of 2002, otherwise known as McCain-Feingold.

This article quoted a Federal Election Commission official stating:

> In the wake of the ban on party-raised soft money, evidence is mounting that money is slithering through on other routes as organizations maintain various accounts, tripping over each other, shifting money between 501(c)(3)'s, (c)(4)'s, and 527's. . . . It's big money.

Why is this important? Because the environment is important to all Americans. Despite what we hear from the groups in their attack advertisements against President Bush and the Republican candidates across the Nation, our air is cleaner, water more drinkable, and our forests are becoming healthier.

Keep in mind this is over a period of time when we have almost doubled the amount of miles that are driven, and our population is dramatically increasing. Yet things are cleaner than they were before.

For instance, over the last 30 years we have cut air pollution in half. Why, then, are some extremists spending millions upon millions to hijack the conservation movement? It seems to me that it is more important to the leadership of these groups to turn their once laudable movement into a political machine by sending out their bipartisan snake oil, salesmen, and misleading the American public regarding their purely politically partisan agenda under the guise of environmental protection.

Our Nation's father of conservation, Teddy Roosevelt, said:

> To waste, to destroy, our natural resources, to skin and exhaust the land instead of using it so as to increase its usefulness, will result in undermining in the days of our children the very prosperity which we ought by right to hand down to them amplified and developed.

These words ring true today, but unfortunately it is clear that the environmentalist movement is deaf to them. What we find now is the fleecing of the American public's pocketbooks by the environmental movement for their political use. What we find now is exhausting litigation, instigation of false claims, misleading science, and scare tactics to fool Americans into believing disastrous environmental scenarios that are untrue.

Pay close attention to the webs of this incestuous activity of these environmentalists groups and their financial benefactors. Environmental organizations have become experts at duplicitous activity, skirting laws up to the edge of illegality, and burying their political activities under the guise of nonprofit environmental improvement.

Chart No. 2 demonstrates the interconnection environmental family affair with nonprofits and their benefactors. As we can see, six organizations at the bottom of the chart are all either 527 groups or 501(c)(4)s. These are political organizations. Money that comes up here—for example, the Heinz Foundation, goes to the various organizations and ultimately gets to the Environmental Accounting Fund, the Save the Environment Organization, Action Fund, Sierra Club Votes, Defenders of Wildlife, Environment 2004. These are all either 501(c)(4)s or 527 organizations.

The LCV calls itself the political voice of the national environmental movement, and much of its grants from even its 501(c)(3) organizations go to fund voter mobilization and education drives. In each election cycle, LCV endorses congressional candidates and since 1996 has published a ''dirty dozen'' list. They brag about the dirty dozen list that has been very effective, but the LCV mostly singles out only Republican candidates.

What we are talking about is the money that is channeled from 501(c)(3) organizations is going to defeat Republican candidates.

Mr. President, let me provide some examples. So far this year, the LCV has released a ''Dirty Dozen'' list of eight congressional candidates—seven Republicans and one Democrat. For the first time ever, it includes the President and Vice President. I cannot forget that LCV has, of course, endorsed the junior Senator from Massachusetts for President, the earliest endorsement of a Presidential contender in its 34-year history.

The LCV's 527 organization last reported to have raised over $3.3 million in the 2004 election cycle. This is chart No. 3: $3.3 million. It has also joined with Environment2004, another 527 political organization directed by former Clinton administration EPA staffers purchasing air time to run ads against the President.

Interestingly, not all candidates appreciate LCV's help.

I recently read where the senior Senator from South Dakota requested the LCV not air advertisements in the South Dakota Senate contest this year and even characterized outside organization advertisements as ''often too negative, too personal, and lack any real substance.''

However, LCV has a long history of political involvement. This is chart No. 4. In 1996, LCV spent a total of $1.5 million in ads trying to defeat its ''Dirty Dozen'' list of targets of 11 Republicans and 1 Democrat.

In 1998, LCV spent $2.3 million targeting its ''Dirty Dozen'' list of 12 Republican candidates and 1 Democratic candidate.

In 2000, the LCV spent a total of $4 million, again targeting 11 Republicans and 1 Democrat on its ''Dirty Dozen'' list. And I cannot forget, in 2000 the LCV also endorsed Al Gore for President.

In 2002, the LCV once again targeted 11 Republican congressional candidates and 1 Democrat.

I see a partisan pattern that is well developed here. LCV spent hundreds of thousands of dollars in congressional contests against Republican candidates. However, the strongest effort seems to have been focused on Senator ALLARD. The LCV claims to have budgeted a total of $700,000 for that race alone and hired a campaign staff of 12 to coordinate phone banks and precinct walks in addition to running television and radio advertisements. Altogether, LCV is reported to have spent $1.5 million in independent expenditures during the 2002 election cycle. Of that total amount, LCV spent $1.313 million benefiting Democratic candidates while only spending $136,000 for Republican candidates.

Another example is the Sierra Club. The Sierra Club describes itself as ''America's oldest, largest and most influential grassroots environmental organization.'' Sierra Club is also an IRS-registered, tax-exempt, nonprofit 501(c)(3) foundation. Here we go again. The Sierra Club Foundation is closely affiliated with its Sierra Club 501(c)(4) and section 527 political organizations. In fact, the Washington Post detailed the interconnected organizations of the Sierra Club in an article it featured last Monday. This is what the Post printed:

> Perhaps no one better illustrates the host of interlocking roles than Carl Pope, one of the most influential operatives on the Democratic side in the 2004 election. As executive director of the Sierra Club, a major 501(c)(4) environmental lobby, Pope also controls the Sierra Club Voter Education Fund, a 527. The Voter Education Fund 527 has raised $3.4 million this election cycle, with $2.4 million of that amount coming from the Sierra Club. A third group, the Sierra Club PAC, has since 1980 given $3.9 million to Democratic candidates and $173,602 to GOP candidates.

The Sierra Club is consistently critical of the Bush environmental record and sometimes others as well. The Sierra Club even accused me of trying to

raise the levels of mercury pollution. The Sierra Club's 527 political organization reports to have raised over $6.8 million for the 2004 election cycle alone, with a goal of over $8 million by the end of the month.

Like the LCV, the Sierra Club has a history of involvement in politics. In the year 2000 Presidential contest, the Sierra Club spent several hundred thousand dollars in advertisements attacking President Bush. And in the 2002 election cycle, the Sierra Club endorsed 184 Democratic incumbents and challengers and endorsed 10 Republican candidates—184 Democrats and 10 Republicans. Not surprisingly, the Sierra Club is heavily involved in the 2004 political cycle. The Sierra Club began spending early in the 2004 Presidential contest and has made a series of endorsements this year. Of course, the Sierra Club has endorsed the junior Senator from Massachusetts for President, and it has endorsed 16 Democratic Senate incumbents and challengers and no Republican candidates—16 Democrats, no Republicans. In races for the House of Representatives, the Sierra Club has endorsed 114 Democratic incumbents and challengers and has endorsed 7 Republican candidates.

Let me use one more example briefly—the Natural Resources Defense Council. The NRDC is also an IRS-registered, tax-exempt, nonprofit 501(c)(3) receiving $55 million in tax-deductible contributions—these are tax-deductible contributions; no money going into the Treasury—in just the last year running bogus ads like this one on this chart claiming President Bush is rolling back a mercury regulation that never existed. This is an outrageous lie. I do not remember how much this ad cost, but if you look, this was a full-page ad run in the New York Times. Down here it says:

Yes, I want to join the Natural Resources Defense Council and help thwart President Bush's plan to weaken controls on toxic mercury.

There are already controls on toxic mercury. This is an outrageous lie. How can you lower something that does not exist? The truth is, President Bush's Clear Skies legislative proposal, which I support, is the biggest emissions reduction plan ever proposed by any American President. Over 14 years, it would reduce emissions from powerplants of nitrogen oxides, sulfur dioxide, and mercury emissions from powerplants by 70 percent. Let's be sure and understand that the NRDC deliberately lied in this ad because you cannot roll back standards that do not exist.

The NRDC is affiliated with the NRDC Action Fund, a 501(c)(4) organization—here we go again—and the Environmental Accountability Fund, its section 527 political organization. The NRDC describes itself as ''the nation's most effective environmental action organization,'' and has a long history of political activity.

The NRDC has joined this year with LCV and the Sierra Club to air television and radio ads and hire campaign staffs to work against President Bush in several States, including New Mexico, Florida, Arizona, and Nevada. Overall, the Environmental Accountability Fund, NRDC's 527 organization, last reported to have raised nearly $1 million in the 2004 election cycle.

Well, that is three of the culprits. The report outlines two others in depth—Greenpeace and Environmental Defense—and shows similar patterns of partisan fundraising and spending, such as this Greenpeace ad that equates President Bush's conservation policies to the Texas chainsaw massacre—a disgusting comparison, especially considering that historic healthy forest legislation was proposed and passed by this administration. It is sad that many of these groups would rather watch our forests burn and our watersheds become destroyed rather than employ 21st century forest management technology to improve forest health.

But misleading and scaring the American people during a Presidential election year, I guess, is more important to them than true forest health.

501(c)(3)s, 501(c)(4)s, political action committees, and 527 political organizations—it is all tangled up in a web. Back to that chart we used, chart No. 2, you can see how convoluted it is.

But the money all ends up down here being used for political purposes, millions upon millions of dollars going for partisan political activity while these groups attempt to maintain a nonpartisan cloak and justification that they are helping our environment. But these funds do not just come from scared mothers and others furiously writing checks because these groups have lied to them and told them that eating fish will kill their children. Our research has found that much of the funding these groups receive comes from independent foundations and trusts which also claim to be nonpartisan.

Let's take a look now at some of these nonpartisan institutions and how their money finds its way to this intricately growing web. The Heinz foundations are a few of the largest contributors to these nonprofit environmental organizations. And, of course, Mrs. Teresa Heinz Kerry is either a chairperson of the board of trustees or a member of the board of trustees of each one of these foundations.

In fact, Mrs. Heinz Kerry is the head of the $1.2 billion Heinz Foundation Endowment.

Since 1998, these foundations have contributed nearly $3 million to the Sierra Club, LCV, the NRDC, and Environmental Defense. Each foundation is also a large contributor to the Tides Center and the Tides Foundation, contributing over $6 million since 1998. The Tides organization has in turn also contributed over $1.4 million to the Sierra Club, Greenpeace, and the NRDC over the same period of time.

Another major supporter is the Turner Foundation, founded in 1990 by Ted Turner, who is chairman of the foundation board of trustees. The Turner Foundation sponsors the work of its special projects which include the Partnership Project, comprised of 20 national environmental groups. Since 1998, the Turner Foundation has contributed over $6.4 million to the Partnership Project. Individually, the Turner Foundation has contributed more than $20 million to the LCV since 1998; over $2.6 million to the NRDC; over $1 million to the Sierra Club; and nearly $2 million to Environmental Defense, Earth Justice, and Greenpeace.

Finally, another large supporter is the Pew Charitable Trust. You can follow the lines of the money there. It claims it is an independent nonprofit serving to inform the public on key issues. Two of the Pew's environmental priorities include global warming and wilderness protection. Pew has contributed $17.4 million to Clear the Air Campaign since 1999, with which it publishes materials such as this claiming that the Bush plan means more pollution. Again, another impossible lie because you can't roll back mercury standards that don't exist.

Perhaps wilderness protection is where the Pew shows its true colors. It has joined with the Heritage Force Campaign, the Natural Resource Defense Council, Environmental Defense, and the Sierra Club in a campaign characterizing the President's conservation policies as ''Crazy George's National Forest Give-a-Way.'' Once again, it is silly scare ads like this. For them, it is only about politics, not about true forest management.

We should be more scared of this tangled web of political financing and the fact that there is no way to tell where taxpayer funded grants and private dollars cross. These are the grants we started out talking about. It is also convoluted where advocacy funding and political funding intermingle and even if environmental groups really spend any money actually improving the environment.

Since 1998, Pew Foundation has contributed several million dollars to various environmental organizations. These contributions have included nearly $18 million to Earth Justice; over $3 million to NRDC; over $3.7 million to Environmental Defense. Pew has also contributed $32.6 million to the Tides Center and Foundation over the same period. The Tides organization has contributed over $1.4 million to the Sierra Club, Greenpeace, NRDC, among others, since 1998.

This does not even represent all of the political involvement of environmental extremists. These groups have established an unquestionable record of partisanship and demonstrated a slithering flow of money among themselves and from their financial benefactors.

Today's environmental groups are simply Democratic political machines

raising millions of dollars in contributions and spending millions in expenditures each year for the purpose of raising more money to pursue their agenda. Especially in this election year, the American voters should see these groups and their many affiliated organizations as they are—the newest insidious conspiracy of political action committees and perhaps the newest multimillion dollar manipulation of Federal election laws.

I ask unanimous consent that the reports be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POLITICAL ACTIVITY OF ENVIRONMENTAL GROUPS AND THEIR SUPPORTING FOUNDATIONS

QUESTIONABLY NON-PARTISAN

Following the League of Conservation Voters' endorsement of Senator John Kerry for President, The Hill, a Capitol Hill publication, published an article featuring the financial connection between the League of Conservation Voters and Heinz family foundations. The article further featured the connections between the League of Conservation Voters and other well-known environmental groups such as the Natural Resources Defense Council and Environmental Defense and their financial links to Heinz family foundations as well. The Hill article cited specific contributions such as a $56,000 contribution in 2003 to the Natural Resources Defense Council from a Heinz family foundation and three $200,000 contributions from two Heinz family foundations from 2001 to 2003 to Environmental Defense. The article revealed that Ms. Teresa Heinz Kerry is the chairperson or board member on each Heinz family foundation, and since 2000, the Heinz foundations have given nearly $1 million to the League of Conservation Voters, members of its board, and the groups those board members represent.

Groups such as the League of Conservation Voters, the Natural Resources Defense Council, and Environmental Defense represent themselves as organizations concerned about the protection of the environment. They are all tax exempt Internal Revenue Service (IRS) registered 501(c)(3) organizations often associated with 501(c)(4), 527 political organizations, or other affiliated organizations. However, as recently as September 27, 2004, the Washington Post published an article demonstrating that IRS designated 501(c)(3), 501(c)(4), and 527 organizations are all engaged in political activity this election year with expenditures potentially designed to circumvent the prohibitions in the Bipartisan Campaign Reform Act of 2002, otherwise known as McCain-Feingold. The article quoted a former Federal Election Commission official stating.

''In the wake of the ban on party-raised soft money, evidence is mounting that money is slithering through on other routes as organizations maintain various accounts, tripping over each other, shifting money between 501(c)(3)'s, (c)(4)'s, and 527's. . . . It's big money, and the pendulum has swung too far in their direction.''

This report for the Chairman provides preliminary examples describing five of the most widely politically active environmental groups with a description of their activity and the foundations that provide the financial support for those groups.

ENVIRONMENTAL ORGANIZATIONS

League of conservation voters

Beginning with the League of Conservation Voters (LCV) provides an appropriate beginning because the LCV board of directors is comprised of various representatives from a number of other environmental groups. Among those sitting on either the LCV board of directors, LCV political advisory committee, or the LCV political committee are leaders in the following organizations:

—Natural Resources Defense Council
—Environmental Defense
—Sierra Club
—Earthjustice Legal Defense Fund
—The Wilderness Society
—Trust for Public Lands
—Defenders of Wildlife
—U.S. Public Interest Research Group
—National Wildlife Federation
—Environmental Working Group

The LCV is an IRS registered 501(c)(4) organization affiliated with the LCV Education Fund, a 501(c)(3) organization. The LCV is also affiliated with a LCV political action committee, a section 527 organization, and another 501(c)(4) organization, the LCV Accountability Project. The LCV describes its affiliates as the ''LCV family of organizations'' and describes its work as ''the political voice of the national environmental movement and the only organization devoted full-time to shaping a pro-environment Congress and White House.'' Since 1996, a symbol of the political activity of the LCV has been the Dirty Dozen list it publishes each election year. The LCV represents that it has defeated 28 of 49 candidates targeted by its Dirty Dozen campaigns since 1996. Citing two examples from the 2000 election year, the LCV contends on its Web site,

''How much impact can LCV campaigns make on national policy? In 2000, two of the most dangerous anti-environmentalists in the U.S. Senate—Spencer Abraham of Michigan and Slade Gorton of Washington—were defeated by less than 1% following major LCV campaigns. In a Congress closely divided on the environment, these LCV victories can make all the difference.''

Senators Abraham of Michigan and Slade Gorton of Washington were both Republicans running for reelection in 2000. In fact, in 1996, the LCV spent a total of $1.5 million dollars sending 254,000 direct mail pieces and airing 9,000 television and radio advertisements attempting to defeat its Dirty Dozen list of eleven Republican congressional candidates and one Democrat congressional candidate.

In 1998, the LCV Dirty Dozen list targeted twelve Republican congressional candidates and one Democrat congressional candidate for defeat—spending a total of $2.3 million. The LCV spent in many cases over $200,000 per congressional race—airing television and radio advertisements and sending direct mail pieces. In the Nevada Senate race, LCV aired a total of 661 individual television airings against the Republican candidate. LCV spent up to $420,000 in the Wisconsin Senate race against the Republican candidate.

In 2000, the LCV spent a total of $4 million—again targeting eleven Republican congressional candidates and one Democrat congressional candidate on its Dirty Dozen list. The LCV spent up to $444,000 in the Washington Senate race, $520,000 in the Virginia Senate race, and $705,000 in the Michigan Senate race, all in an effort to defeat Republican candidates. However, the LCV also reported spending $52,000 to attempt to defeat Congressman Traficant of Ohio for re-election, the only Democrat on the LCV Dirty Dozen for 2000. Additionally, in May of 2000, the LCV endorsed Al Gore for President.

In 2002, the LCV again targeted eleven Republican congressional candidates and one Democrat congressional candidate with television and radio advertisements including a television advertisement in the South Dakota Senate race implying that the Republican candidate's environmental positions were bought by campaign contributions. The LCV sent thousands of direct mail pieces including 100,000 pieces mailed in the Georgia Senate race and 75,000 pieces sent in the New Hampshire Senate race—both against Republican candidates. The LCV also joined other organizations and spent a total of $570,000 against the New Hampshire Republican Senate candidate. However, the strongest effort seems to have been focused on the Colorado Senate contest. The LCV budgeted a total of $700,000 for this race against incumbent Republican Senator Wayne Allard. The LCV hired a campaign staff of twelve against Senator Allard to coordinate phone banks and precinct walks in addition to running television and radio advertisements that LCV claims reached sixty-seven percent of the state. altogether, the LCV is reported to have spent $1,449,951 in independent expenditures during the 2002 election cycle. Of that total amount, LCV spent $1,313,041 benefitting Democrat candidates while only spending $136,910 for Republican candidates.

Although the LCV has yet to release its completed Dirty Dozen list for the 2004 campaign year at the time of this report, it has released a Dirty Dozen list of eight Congressional candidates, seven Republicans and one Democrat. For the first time it has included the President and Vice President on its Dirty Dozen list. The LCV has endorsed forty-two candidates in Congressional elections in addition to endorsing Senator John Kerry for President. In fact, the LCV's endorsement of Senator Kerry is the earliest endorsement of a Presidential contender in the thirty-four year history of the LCV. Of the forty-two candidates endorsed by the LCV at the time of this report, thirty-one are Democrat candidates, and ten Republicans are candidates.

As in previous election cycles, the LCV is active this year airing political advertisements—already spending $100,000 to elect a Democrat candidate in a Kentucky congressional special election this year. The LCV is also reported to have already spent hundreds of thousands of dollars on Senator John Kerry's Presidential campaign including joining with Environment2004, a 527 political organization, purchasing air time in Florida and Washington, D.C. At the time of this report, Environment2004 last reported to have raised over $600,000 in the 2004 election cycle. The LCV's 527 organization last reported to have raised over $3.3 million in the 2004 election cycle.

However not all candidates appreciate LCV's help. The senior senator from South Dakota is reported to have specifically written LCV characterizing outside organization advertisements, like those aired by LCV, as ''often too negative, too personal, and lack any real substance.'' He further requested that the LCV not air advertisements in the South Dakota Senate contest this year.

Natural Resources Defense Council

The Natural Resources Defense Council (NRDC) is an IRS registered 501(c)(3) tax exempt organization affiliated with the NRDC Action Fund, a 501(c)(4) organization. The NRDC is also affiliated with the Environmental Accountability Fund, a section 527 political organization. The NRDC's mission statement is to ''safeguard the Earth: its people, its plants and animals and the natural systems on which all life depends;'' additionally, the NRDC describes itself as ''the nation's most effective environmental action organization.

Since the beginning of the Bush Administration, the NRDC has compiled a ''Bush Record'' on its Web site characterizing the Bush Administration as, ''in catering to industries that put America's health and natural heritage at risk, threatens to do more

damage to our environmental protections than any other in U.S. history.

The NRDC has a long history of political activity. As early as 1982, NRDC spent a record $2.5 million with other environmental organizations on congressional and gubernatorial races to ''oust Reagan supporters. The NRDC is also involved in this year's Presidential race joining with LCV and the Sierra Club to work against President Bush in the state of New Mexico which has been characterized as a ''battleground state'' this year. The Albuquerque Journal reports that NRDC has already aired television and radio advertisements against the Bush Administration's environmental record joining the LCV and Sierra Club working to hire their own campaign staffs against the Bush candidacy. The NRDC's Environmental Accountability Fund, a 527 political organization, is sponsoring political advertisements against President Bush throughout New Mexico and other ''battle ground states'' including Florida, Arizona, and Nevada. Overall, at the time of this report, this 527 organization has raised nearly $1 million in the 2004 election cycle.

The NRDC 501(c)(3) organization, however, is also nationally politically involved joining earlier this year with Moveon.org, another section 527 political organization, purchasing advertisements in the New York Times accusing the Bush Administration of weakening regulations on drinking water and air quality while soliciting contributions for the NRDC 501(c)(3) affiliate.

Sierra Club

The Sierra Club describes itself as ''America's oldest, largest and most influential grassroots environmental organization.'' With a reported membership of 700,000, the Sierra Club is represented by a 501(c)(4) organization, a section 527 political organization, and the 501(c)(3) Sierra Club Foundation. In a September 27, 2004 article on the interconnectedness of IRS designated 501(c)(3), 501(c)(4), and 527 organizations this election year, the Washington Post featured the Sierra Club as the prime example of this web writing the following:

''Perhaps no one better illustrates the host of interlocking roles than Carl Pope, one of the most influential operatives on the Democratic side in the 2004 election. As executive direct of the Sierra Club, a major 501c(4) environmental lobby, Pope also controls the Sierra Club Voter Education Fund, a 527. The Voter Education Fund 527 has raised $3.4 million this election cycle, with $2.4 million of that amount coming from the Sierra Club. A third group, the Sierra Club PAC, has since 1980 given $3.9 million to Democratic candidates and $173,602 to GOP candidates.

''These activities just touch the surface of Pope's political involvement. In 2002–03, Pope helped found two major 527 groups: America Votes, which was raised $1.9 million to coordinate the election activities of 32 liberal groups, and America Coming Together (ACT), which has a goal of raising more than $100 million to mobilize voters to cast ballots against Bush. Finally, Pope is treasurer of a new 501c(3) foundation, America's Families United, which reportedly has $15 million to distribute to voter mobilization groups.

'' 'I am in this as deeply as I am,' Pope said, 'because I think this country is in real peril.' ''

The Sierra Club is consistently critical of the Bush Administration and it compiles a ''Sierra Club RAW newsletter'' featuring ''The Uncooked Facts of the Bush Assault on the Environment'' with regular criticisms of the Bush Administration evironmental record and sometimes expanding its criticisms to other officials as well. For instance in its June 23, 2004 edition, the Sierra Club accused Senator Inhofe of attempting to raise ''levels of mercury pollution'' claiming the following: ''But wait—there's more. The Bush administration's weak air proposals were not weak enough, it seems, for Senator James Inhofe, the chairman of the Environment and Public Works Committee. Inhofe tried to raise the 'acceptable' levels of mercury pollution. . . .''

Like NRDC's ''Bush Record,'' the Sierra Club has its own ''W Watch'' where it features articles critical of the Bush Administration on environmental issues to judicial nominations. Sierra Club affiliated organizations such as Earthjustice, which began as the Sierra Club Legal Defense Fund, is also highly critical of the Bush Administration and is regularly engaged in legal actions against the federal government. In fact, in its most recent IRS filings, Earthjustice describes eighty-six legal actions on a variety of environmental related issues. Earthjustice also publishes its own political information. It issued its ''Paybacks'' report shortly before the 2002 elections that made such explicit claims as, ''the Bush Administration is weakening environmental laws in particular to help those industries that paid to put it in office.''

Like other environmental groups, the Sierra Club has a history of involvement in political campaigns. In the 2000 Presidential contest, the Sierra Club spent several hundred thousand dollars in advertisements attacking Candidate George W. Bush's campaign throughout the country including what is reported as the largest expenditure of a third party on Spanish language advertisements. In the 2002 election cycle, the Sierra Club is reported to have spent $265,772 in independent expenditures all for Democratic candidates and making no independent expenditures for Republican candidates. Additionally, in the 2002 Senate races, the Sierra Club endorsed nineteen Democrat incumbents and challengers and endorsed no Republican candidates. In the 2002 races for the U.S. House of Representatives, the Sierra Club endorsed one hundred sixty-five Democrat incumbents and challengers and endorsed ten Republican candidates.

Like previous election years, the Sierra Club is heavily involved in the 2004 political cycle. The Sierra Club began spending early in the 2004 Presidential contest and is reported to have spent at least $350,000 as early as late 2003 in advertisements against President Bush throughout the country including in New Hampshire, Michigan, Wisconsin, Pennsylvania, Florida, Nevada, and Nebraska. The Sierra Club has made a series of endorsements in this year's political contests, and like LCV, the Sierra Club has endorsed Senator John Kerry for President. In Senate races, the Sierra Club has endorsed sixteen Democrat Senate incumbents and challengers and no Republican candidates. In races for the U.S. House of Representatives, the Sierra Club has endorsed one hundred fourteen Democrat incumbents and challengers and has endorsed seven Republican candidates. At the time of this report, the Sierra Club's 527 political organization claims to have raised over $6.8 million for the 2004 election cycle alone.

Greenpeace

Greenpeace USA describes itself as ''the leading independent campaigning organization that uses non-violent direct action and creative communication to expose global environmental problems and to promote solutions that are essential to a green and peaceful future.'' It claims 250,000 members in the United States and 2.5 million members around the world. Greenpeace USA is represented by Greenpeace, Inc., a section 501(c)(4) organization and the Greenpeace Fund Inc., a section 501(c)(3) organization.

Greenpeace USA and its affiliate organizations through Greenpeace International have received attention for many years more through demonstrations than through political endorsements. Press reports that have described some of Greenpeace USA's demonstrations have included activists rapelling down skyscrapers, occupying abandoned oil rigs, intervening in whale hunts with inflatable rafts, and illegally boarding ships while at sea, among other demonstrations that often result in arrests and criminal convictions for Greenpeace activists. In fact, on Earth Day 2001, Greenpeace USA founder John Passacantado was arrested with the founder of the Rainforest Action Network for locking themselves to a gate during a protest blockading the entrance to the Environmental Protection Agency.

Although, Greenpeace may be better known for its demonstrations, its political views may be clear as it has characterized President Bush as the ''toxic Texan,'' and hung a banner from a water tower near the President's ranch in Texas that read the same. Greenpeace has devoted much of its Web site toward criticism of the Bush Administration equating the Administration's environmental and conservation policies to the ''Texas chainsaw massacre.''

Environmental Defense

Environmental Defense describes itself as ''fighting to protect human health, restore the oceans and ecosystems, and curb global warming.'' Environmental Defense is represented by two organizations: Environmental Defense, Inc., a 501(c)(3) organization and the Environmental Defense Action Fund, Inc., a 501(c)(4) organization.

Environmental Defense represents its work in a number of issue campaigns for instance, increased air regulations, increased regulation of ocean industries, strengthening Endangered Species Act and adding additional listings, and reversing global warming. Environmental Defense is involved with various other environmental organizations such as the Sierra Club on many other ''campaigns'' as well. All ''campaigns'' are featured on its Web site or its Action!Network Web site.

Environmental Defense is regularly associated with other politically involved environmental organizations as well such as NRDC, Greenpeace, and LCV, among others, and its board of directors not only includes the wife of the Democratic Presidential nominee but also includes former Clinton Administration officials involved in their own environmental organizations regularly critical of the Bush Administration.

FOUNDATIONS

The following are three of the foundations that regularly contribute to the five environmental organizations referenced in this report, among others.

Pew Charitable Trusts

The Pew Charitable Trusts (Pew) are comprised of seven separate trusts and reports it is an ''independent non-profit'' serving to ''inform the public on key issues and trends, as a highly credible source of independent, non-partisan research and polling information and that its environmental priorities include global warming, protecting ocean life, and wilderness protection.'' In two of those priorities in particular, global warming and wilderness protection, Pew has joined and supported other organizations and campaigns.

In 1998, Pew created the Pew Center on Global Climate Change. The Pew Center reports, ''the growing scientific consensus is that this warming is largely the result of emissions of carbon dioxide and other greenhouse gases from human activities including industrial processes, fossil fuel combustion,

and changes in land use, such as deforestation.'' Pew also sponsors the work of the Clear the air Campaign with a $3.4 million grant in 1999, $4.3 million grant in 2000, nearly $5 million grant in 2001, and $4.7 million grant in 2003 with which it published its Dirty Air, Dirty Power report in June 2004 claiming, on the first page of the publication, that coal burning power plants ''make people sick and shorten the lives of thousands each year'' and further claiming that ''President Bush has allowed polluters to rewrite clean air rules.''

Concerning wilderness protection, Pew endorses the Heritage Forests Campaign also highly critical of the Bush Administration conservation policies, and, joining with the Natural Resources Defense Council, Environmental Defense, the Sierra Club, characterize the President's conservation policies as ''Crazy George's National Forest Give-away, Every Tree Must Go.''

Since 1998, Pew has contributed several million dollars to various environmental organizations. These contributions have included nearly $18 million to Earthjustice, over $3 million to NRDC, and over $3.7 million to Environmental Defense. Pew has also contributed $32.6 million to the Tides Center and foundation over the same period. The Tides organization has contributed over $1.4 million to the Sierra Club and affiliates, Greenpeace and affiliates, the NRDC, and the Environmental Working Group since 1998.

Turner Foundation

The Turner Foundation describes itself as ''a private, independent family foundation committed to preventing damage to the natural systems—water, air, and land—on which all life depends.'' It was founded in 1990 by Ted Turner who is Chairman of the Foundation Board of Trustees. The Turner Foundation makes grants ''in the areas of the environment and population.'' The Foundation is especially involved in the issues of global warming and overpopulation, and supports the work of its ''special projects'' which include the Partnership Project which is comprised of twenty national environmental groups. The Turner Foundation's other special projects include the League of Conservation Voters Education Fund, the NARAL Foundation, and Planned Parenthood Federation of America.

Since 1998, the Turner Foundation has contributed over $6.4 million to the Partnership Project that is comprised of the League of Conservation Voters, Sierra Club, Earthjustice, Environmental Defense, Natural Resources Defense council, and Greenpeace among others. Individually, the Turner Foundation has contributed more than $20 million to the LCV since 1998, over $2.6 million to the NRDC, over $1 million to the Sierra Club, nearly $2 million to the National Wildlife Federation, and nearly $2 million to Environmental Defense, Earthjustice, Greenpeace, and the Environmental Working Group.

Heinz foundations

The Heinz foundations are comprised of several different foundations, some established for specific purposes. Of the Heinz family affiliated foundations, the largest contributors to environmental organizations are the Howard Heinz Endowment, Vira I. Heinz Endowment, and Heinz Family Foundation.

Ms. Teresa Heinz Kerry is either chairperson of the board of trustees or member of the board of trustees on each foundation. Ms. Heinz Kerry is the head of the $1.2 billion Heinz Foundation endowment. Since 1998, these foundations have contributed nearly $3 million to Environmental Defense, the Sierra Club, the LCV, and the NRDC. Each foundation is also a large contributor to the Tides Center and Tides Foundation and affiliates contributing over $6 million since 1998. The Tides organization has in turn also contributed over $1.4 million to the Sierra Club and affiliates, Greenpeace and affiliates, the NRDC, and the Environment Working Group over that same period.

CONCLUSION

This report does not represent the totality of environmental groups engaged in political activity in this election year or prior election years. It does not even represent all the actions taken by the environmental groups that are highlighted in this report each election year. However, this report provides examples of some of the actions taken by these groups and clearly questions any claims these groups make concerning being ''nonpartisan.'' These group shave clearly established a record of partisanship and clearly demonstrated each election cycle that they simply have an agenda to work together against Republican candidates and work to elect Democrat candidates. Additionally, these groups are, in large part, annually financed by foundations consistently supporting those groups' partisan efforts and in some cases directly involved in partisan criticisms of the Bush Administration. Moreover, these groups' activities demonstrate the concern expressed in the Washington Post article regarding political money this election year—money ''slithering through on other routes as organizations maintain various accounts, tripping over each other, shifting money between 501(c)(3)'s, (c)(4)'s, and 527's.''

Today's environmental groups are simply political machines reporting millions in contributions and expenditures each year for the purpose of raising more money to pursue their agenda. Especially in this election year, the American voter should see these groups and their many affiliate organizations as they are—the newest insidious conspiracy of political action committees and perhaps the newest multi-million dollar manipulation of federal election laws.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, let me commend you for your leadership in presiding this evening. I realize it has been a very long evening and the Senator has been in the Chair for a long time.

AMENDMENTS NOS. 3722, AS MODIFIED, 3757, AS MODIFIED, 3762, AS MODIFIED, 3778, AS MODIFIED, 3814, 3818, 3825, 3832, 3833, AS MODIFIED, 3836, 3841, 3859, AS MODIFIED, 3860, 3867, AS MODIFIED, 3901, 3910, AS MODIFIED, 3923 EN BLOC

Ms. COLLINS. Mr. President, I have a series of amendments that have been cleared on both sides of the aisle. I ask unanimous consent that the list of amendments that I send to the desk be agreed to with the modifications agreed to where indicated.

The PRESIDING OFFICER. Is there objection?

Mr. LIEBERMAN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 3722

(Purpose: To facilitate the utilization of United States commercial remote sensing space capabilities for filling imagery and geospatial information requirements)

At the end of subtitle A of title II, add the following:

SEC. ___. USE OF UNITED STATES COMMERCIAL REMOTE SENSING SPACE CAPABILITIES FOR IMAGERY AND GEOSPATIAL INFORMATION REQUIREMENTS.

(a) IN GENERAL.—The National Intelligence Director shall take actions to ensure, to the extent practicable, the utilization of United States commercial remote sensing space capabilities to fulfill the imagery and geospatial information requirements of the intelligence community.

(b) PROCEDURES FOR UTILIZATION.—The National Intelligence Director may prescribe procedures for the purpose of meeting the requirement in subsection (a).

(c) DEFINITIONS.—In this section, the terms ''imagery'' and ''geospatial information'' have the meanings given such terms in section 467 of title 10, United States Code.

AMENDMENT NO. 3757

(Purpose: To require the Secretary of Homeland Security to report to the Congress on the technological capabilities and equipment to Transportation Security Administration field offices)

At the appropriate place, insert the following:

SEC. . TSA FIELD OFFICE INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS REPORT.

Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall transmit a report to the Congress, which may be transmitted in classified and redacted formats, setting forth—

(1) a descriptive list of each administrative and airport site of the Transportation Security Administration, including its location, staffing, and facilities;

(2) an analysis of the information technology and telecommunications capabilities, equipment, and support available at each such site, including—

(A) whether the site has access to broadband telecommunications;

(B) whether the site has the ability to access Transportation Security Administration databases directly;

(C) the means available to the site for communicating and sharing information and other data on a real time basis with the Transportation Security Administration's national, regional, and State offices as well as with other Transportation Security Administration sites;

(D) the means available to the site for communicating with other Federal, State, and local government sites with transportation security related responsibilities; and

(E) whether and to what extent computers in the site are linked through a local area network or otherwise, and whether the information technology resources available to the site are adequate to enable it to carry out its functions and purposes; and

(3) an assessment of current and future needs of the Transportation Security Administration to provide adequate information technology and telecommunications facilities, equipment, and support to its sites, and an estimate of the costs of meeting those needs.

AMENDMENT NO. 3762

(Purpose: To improve information sharing by the national intelligence centers)

On page 97, line 10, insert before the period the following: '', including through the establishment of mechanisms for the sharing

of information and analysis among and between national intelligence centers having adjacent or significantly interrelated geographic regions or functional areas of intelligence responsibility''.

AMENDMENT NO. 3778

(Purpose: To improve the management of the personnel of the National Intelligence Authority)

On page 113, between lines 17 and 18, insert the following:

(b) TERMINATION OF EMPLOYEES.—(1) Notwithstanding any other provision of law, the National Intelligence Director may, in the discretion of the Director, terminate the employment of any officer or employee of the National Intelligence Authority whenever the Director considers the termination of employment of such officer or employee necessary or advisable in the interests of the United States.

(2) Any termination of employment of an officer or employee under paragraph (1) shall not affect the right of the officer or employee to seek or accept employment in any other department, agency, or element of the United States Government if declared eligible for such employment by the Office of Personnel Management.

On page 113, line 18, strike ''(b) RIGHTS AND PROTECTIONS'' and insert ''(c) OTHER RIGHTS AND PROTECTIONS''.

On page 113, after line 24, add the following:

(d) REGULATIONS.—The National Intelligence Director shall prescribe regulations on the application of the authorities, rights, and protections in and made applicable by subsections (a), (b), and (c), to the personnel of the National Intelligence Authority.

AMENDMENT NO. 3814

(Purpose: To provide the sense of Congress that United States foreign assistance should be provided to South Asia, Southeast Asia, West Africa, the Horn of Africa, North and North Central Africa, the Arabian peninsula, Central and Eastern Europe, and South America to prevent the establishment of terrorist sanctuaries)

On page ____, between lines ____ and ____, insert the following:

(2) regions of specific concern where United States foreign assistance should be targeted to assist governments in efforts to prevent the use of such regions as terrorist sanctuaries are South Asia, Southeast Asia, West Africa, the Horn of Africa, North and North Central Africa, the Arabian peninsula, Central and Eastern Europe, and South America;

AMENDMENT NO. 3818, AS MODIFIED

At the appropriate place, insert:

SEC. ____. NATIONWIDE INTEROPERABLE COMMUNICATIONS NETWORK.

(a) IN GENERAL.—Within one year of enactment, the Secretary of Homeland Security, in coordination with the Federal Communications Commission and the National Telecommunications and Information Administration, shall complete a study assessing potential technical and operational standards and protocols for a nationwide interoperable communications network (referred to in this section as the ''Network'') that may be used by Federal, State, and local governmental and non-governmental public safety, homeland security, and other first responder personnel. The assessment shall be consistent with the SAFECOM national strategy as developed by the public safety community in cooperation with SAFECOM and the DHS Interoperability Office. The Secretary shall report the results of the study to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Governmental Affairs, the House of Representatives Committee on Energy and Commerce, and the House of Representatives Select Committee on Homeland Security.

(b) CONSULTATION AND USE OF COMMERCIAL TECHNOLOGIES.—In assessing standards and protocols pursuant to paragraph (a), the Secretary of Homeland Security shall—

(1) seek input from representatives of the user communities regarding the operation and administration of the Network; and

(2) consider use of commercial wireless technologies to the greatest extent practicable.

AMENDMENT NO. 3825

(Purpose: To permit reviews of criminal records of applicants for private security officer employment)

At the appropriate place, insert the following:

SEC. ____. PRIVATE SECURITY OFFICER EMPLOYMENT AUTHORIZATION ACT OF 2004.

(a) SHORT TITLE.—This section may be cited as the ''Private Security Officer Employment Authorization Act of 2004''.

(b) FINDINGS.—Congress finds that—

(1) employment of private security officers in the United States is growing rapidly;

(2) private security officers function as an adjunct to, but not a replacement for, public law enforcement by, among other things, helping to protect critical infrastructure, including hospitals, manufacturing facilities, defense and aerospace contractors, nuclear power plants, chemical companies, oil and gas refineries, airports, communication facilities and operations, and others;

(3) the 9-11 Commission Report says that ''Private sector preparedness is not a luxury; it is a cost of doing business in the post-9/11 world. It is ignored at a tremendous potential cost in lives, money, and national security'' and endorsed adoption of the American National Standards Institute's standard for private preparedness;

(4) part of improving private sector preparedness is mitigating the risks of terrorist attack on critical infrastructure by ensuring that private security officers who protect those facilities are properly screened to determine their suitability;

(5) the American public deserves the employment of qualified, well-trained private security personnel as an adjunct to sworn law enforcement officers; and

(6) private security officers and applicants for private security officer positions should be thoroughly screened and trained.

(c) DEFINITIONS.—In this section:

(1) EMPLOYEE.—The term ''employee'' includes both a current employee and an applicant for employment as a private security officer.

(2) AUTHORIZED EMPLOYER.—The term ''authorized employer'' means any person that—

(A) employs private security officers; and

(B) is authorized by regulations promulgated by the Attorney General to request a criminal history record information search of an employee through a State identification bureau pursuant to this section.

(3) PRIVATE SECURITY OFFICER.— The term ''private security officer''—

(A) means an individual other than an employee of a Federal, State, or local government, whose primary duty is to perform security services, full- or part-time, for consideration, whether armed or unarmed and in uniform or plain clothes (except for services excluded from coverage under this section if the Attorney General determines by regulation that such exclusion would serve the public interest); but

(B) does not include—

(i) employees whose duties are primarily internal audit or credit functions;

(ii) employees of electronic security system companies acting as technicians or monitors; or

(iii) employees whose duties primarily involve the secure movement of prisoners.

(4) SECURITY SERVICES.—The term ''security services'' means acts to protect people or property as defined by regulations promulgated by the Attorney General.

(5) STATE IDENTIFICATION BUREAU.—The term ''State identification bureau'' means the State entity designated by the Attorney General for the submission and receipt of criminal history record information.

(d) CRIMINAL HISTORY RECORD INFORMATION SEARCH.—

(1) IN GENERAL.—

(A) SUBMISSION OF FINGERPRINTS.—An authorized employer may submit to the State identification bureau of a participating State, fingerprints or other means of positive identification, as determined by the Attorney General, of an employee of such employer for purposes of a criminal history record information search pursuant to this section.

(B) EMPLOYEE RIGHTS.—

(i) PERMISSION.—An authorized employer shall obtain written consent from an employee to submit to the State identification bureau of a participating State the request to search the criminal history record information of the employee under this section.

(ii) ACCESS.—An authorized employer shall provide to the employee confidential access to any information relating to the employee received by the authorized employer pursuant to this section.

(C) PROVIDING INFORMATION TO THE STATE IDENTIFICATION BUREAU.—Upon receipt of a request for a criminal history record information search from an authorized employer pursuant to this section, submitted through the State identification bureau of a participating State, the Attorney General shall—

(i) search the appropriate records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation; and

(ii) promptly provide any resulting identification and criminal history record information to the submitting State identification bureau requesting the information.

(D) USE OF INFORMATION.—

(i) IN GENERAL.—Upon receipt of the criminal history record information from the Attorney General by the State identification bureau, the information shall be used only as provided in clause (ii).

(ii) TERMS.—In the case of—

(I) a participating State that has no State standards for qualification to be a private security officer, the State shall notify an authorized employer as to the fact of whether an employee has been—

(aa) convicted of a felony, an offense involving dishonesty or a false statement if the conviction occurred during the previous 10 years, or an offense involving the use or attempted use of physical force against the person of another if the conviction occurred during the previous 10 years; or

(bb) charged with a criminal felony for which there has been no resolution during the preceding 365 days; or

(II) a participating State that has State standards for qualification to be a private security officer, the State shall use the information received pursuant to this section in applying the State standards and shall only notify the employer of the results of the application of the State standards.

(E) FREQUENCY OF REQUESTS.—An authorized employer may request a criminal history record information search for an employee only once every 12 months of continuous employment by that employee unless the authorized employer has good cause to submit additional requests.

(2) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the

Attorney General shall issue such final or interim final regulations as may be necessary to carry out this section, including—

(A) measures relating to the security, confidentiality, accuracy, use, submission, dissemination, destruction of information and audits, and recordkeeping;

(B) standards for qualification as an authorized employer; and

(C) the imposition of reasonable fees necessary for conducting the background checks.

(3) CRIMINAL PENALTIES FOR USE OF INFORMATION.—Whoever knowingly and intentionally uses any information obtained pursuant to this section other than for the purpose of determining the suitability of an individual for employment as a private security officer shall be fined under title 18, United States Code, or imprisoned for not more than 2 years, or both.

(4) USER FEES.—

(A) IN GENERAL.—The Director of the Federal Bureau of Investigation may—

(i) collect fees to process background checks provided for by this section; and

(ii) establish such fees at a level to include an additional amount to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs.

(B) LIMITATIONS.—Any fee collected under this subsection—

(i) shall, consistent with Public Law 101–515 and Public Law 104–99, be credited to the appropriation to be used for salaries and other expenses incurred through providing the services described in such Public Laws and in subparagraph (A);

(ii) shall be available for expenditure only to pay the costs of such activities and services; and

(iii) shall remain available until expended.

(C) STATE COSTS.—Nothing in this section shall be construed as restricting the right of a State to assess a reasonable fee on an authorized employer for the costs to the State of administering this section.

(5) STATE OPT OUT.—A State may decline to participate in the background check system authorized by this section by enacting a law or issuing an order by the Governor (if consistent with State law) providing that the State is declining to participate pursuant to this paragraph.

AMENDMENT NO. 3832

At the appropriate place, insert the following:

SEC. . COMMUNICATIONS INTEROPERABILITY.

(a) DEFINITION.—As used in this section, the term ''equipment interoperability'' means the devices that support the ability of public safety service and support providers to talk with each other via voice and data on demand, in real time, when needed, and when authorized.

(b) NATIONAL GUIDELINES FOR EQUIPMENT INTEROPERABILITY.—Not later than one year after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the Federal Communications Commission and the National Telecommunications and Information Administration, and other appropriate representatives of Federal, State, and local government and first responders, shall adopt, by regulation, national goals and guideline for equipment interoperability and related issues that—

(1) set short-term, mid-term, and long-term means and minimum equipment performance guidelines for Federal agencies, States, and local governments;

(2) recognize—

(A) the value, life cycle, and technical capabilities of existing communications infrastructure;

(B) the need for cross-border interoperability between States and nations;

(C) the unique needs of small, rural communities; and

(D) the interoperability needs for daily operations and catastrophic events.

(c) NATIONAL EQUIPMENT INTEROPERABILITY IMPLEMENTATION PLAN.—

(1) DEVELOPMENT.—Not later than 180 days of the completion of the development of goals and guidelines under subsection (b), the Secretary of Homeland Security shall develop an implementation plan that—

(A) outlines the responsibilities of the Department of Homeland Security; and

(B) focuses on providing technical and financial assistance to States and local governments for interoperability planning and implementation.

(2) EXECUTION.—The Secretary shall execute the plan developed under this subsection as soon as practicable.

(3) REPORTS.—

(A) INITIAL REPORT.—Upon the completion of the plan under subsection (c), the Secretary shall submit a report that describes such plan to—

(i) the Committee on Governmental Affairs of the Senate;

(ii) the Committee on Environment and Public Works of the Senate;

(iii) the Committee on Commerce, Science, and Transportation of the Senate;

(iv) the Select Committee on Homeland Security of the House of Representatives; and

(v) the Committee on Energy and Commerce of the House of Representatives.

(B) ANNUAL REPORT.—Not later than 1 year after the submission of the report under subparagraph (A), and annually thereafter, the Secretary shall submit a report to the committees referred to in subparagraph (A) that describes the progress made in implementing the plan developed under this subsection.

(d) INTERNATIONAL INTEROPERABILITY.—Not later than 1 year after the date of enactment of this Act, the President shall establish a mechanism for coordinating cross-border interoperability issues between—

(1) the United States and Canada; and

(2) the United States and Mexico.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2005 through 2009—

(1) such sums as may be necessary to carry out subsection (b);

(2) such sums as may be necessary to carry out subsection (c); and

(3) such sums as may be necessary to carry out subsection (d).

AMENDMENT NO. 3833, AS MODIFIED

(Purpose: To require a report on the implementation of recommendations of the Defense Science Board on preventing and defending against clandestine nuclear attack)

On page 153, between lines 2 and 3, insert the following:

SEC. 207. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS OF DEFENSE SCIENCE BOARD ON PREVENTING AND DEFENDING AGAINST CLANDESTINE NUCLEAR ATTACK.

(a) FINDING.—Congress finds that the June 2004 report of the Defense Science Board Task Force on Preventing and Defending Against Clandestine Nuclear Attack—

(1) found that it would be easy for adversaries to introduce and detonate a nuclear explosive clandestinely in the United States;

(2) found that clandestine nuclear attack and defense against such attack should be treated as an emerging aspect of strategic warfare and that those matters warrant national and Department of Defense attention; and

(3) called for a serious national commitment to a multidepartment program to create a multi-element, layered, global, civil/military complex of systems and capabilities that can greatly reduce the likelihood of a successful clandestine attack, achieving levels of protection effective enough to warrant the effort.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Energy, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions proposed to be taken to address the recommendations of the Defense Science Board Task Force on Preventing and Defending Against Clandestine Nuclear Attack.

AMENDMENT NO. 3836

(Purpose: To authorize the Secretary of Homeland Security to award grants to improve first responder communications systems)

At the appropriate place, insert the following:

SEC. ___. COMMUNICATION SYSTEM GRANTS.

(a) IN GENERAL.—The Secretary of Homeland Security may award grants, on a competitive basis, to States, local governments, local law enforcement agencies, and local fire departments to—

(1) improve communication systems to allow for real time, interoperable communication between State and local first responders; or

(2) purchase communication systems that allow for real time, interoperable communication between State and local first responders.

(b) APPLICATION.—Any State, local government, local law enforcement agency, or local fire department desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums necessary for each of the fiscal years 2005 through 2009 to carry out the provisions of this section.

AMENDMENT NO. 3859

On page 94, between lines 14 and 15, insert the following:

(3) There may be established under this subsection one or more national intelligence centers having intelligence responsibility for the following:

(A) The nuclear terrorism threats confronting the United States.

(B) The chemical terrorism threats confronting the United States.

(C) The biological terrorism threats confronting the United States.

On page 94, line 15, strike ''(3)'' and insert ''(4)''.

AMENDMENT NO. 3860

(Purpose: To improve the working relationship between the intelligence community and the National Infrastructure Simulation and Analysis Center)

At the appropriate place, insert the following:

SEC. ___. INTELLIGENCE COMMUNITY USE OF NISAC CAPABILITIES.

The National Intelligence Director shall establish a formal relationship, including information sharing, between the intelligence community and the National Infrastructure Simulation and Analysis Center. Through this relationship, the intelligence community shall take full advantage of the capabilities of the National Infrastructure Simulation and Analysis Center, particularly vulnerability and consequence analysis, for real time response to reported threats and long term planning for projected threats.

AMENDMENT NO. 3867, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. TERRORISM FINANCING.

(a) REPORT ON TERRORIST FINANCING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President, acting through the Secretary of the Treasury, shall submit to Congress a report evaluating the current state of United States efforts to curtail the international financing of terrorism.

(2) CONTENTS.—The report required by paragraph (1) shall evaluate and make recommendations on—

(A) the effectiveness and efficiency of current United States governmental efforts and methods to detect, track, disrupt, and stop terrorist financing;

(B) the relationship between terrorist financing and money laundering, including how the laundering of proceeds related to illegal narcotics or foreign political corruption may contribute to terrorism or terrorist financing;

(C) the nature, effectiveness, and efficiency of current efforts to coordinate intelligence and agency operations within the United States Government to detect, track, disrupt, and stop terrorist financing, including identifying who, if anyone, has primary responsibility for developing priorities, assigning tasks to agencies, and monitoring the implementation of policy and operations;

(D) the effectiveness and efficiency of efforts to protect the critical infrastructure of the United States financial system, and ways to improve the effectiveness of financial institutions;

(E) ways to improve multilateral and international governmental cooperation on terrorist financing, including the adequacy of agency coordination within the United States related to participating in international cooperative efforts and implementing international treaties and compacts; and

(F) ways to improve the setting of priorities and coordination of United States efforts to detect, track, disrupt, and stop terrorist financing, including recommendations for changes in executive branch organization or procedures, legislative reforms, additional resources, or use of appropriated funds.

(b) POSTEMPLOYMENT RESTRICTION FOR CERTAIN BANK AND THRIFT EXAMINERS.—Section 10 of the Federal Deposit Insurance Act (12 U.S.C. 1820) is amended by adding at the end the following:

''(k) ONE-YEAR RESTRICTIONS ON FEDERAL EXAMINERS OF FINANCIAL INSTITUTIONS.—

''(1) IN GENERAL.—In addition to other applicable restrictions set forth in title 18, United States Code, the penalties set forth in paragraph (6) of this subsection shall apply to any person who—

''(A) was an officer or employee (including any special Government employee) of a Federal banking agency or a Federal reserve bank;

''(B) served 2 or more months during the final 12 months of his or her employment with such agency or entity as the senior examiner (or a functionally equivalent position) of a depository institution or depository institution holding company with continuing, broad responsibility for the examination (or inspection) of that depository institution or depository institution holding company on behalf of the relevant agency or Federal reserve bank; and

''(C) within 1 year after the termination date of his or her service or employment with such agency or entity, knowingly accepts compensation as an employee, officer, director, or consultant from—

''(i) such depository institution, any depository institution holding company that controls such depository institution, or any other company that controls such depository institution; or

''(ii) such depository institution holding company or any depository institution that is controlled by such depository institution holding company.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'depository institution' includes an uninsured branch or agency of a foreign bank, if such branch or agency is located in any State; and

''(B) the term 'depository institution holding company' includes any foreign bank or company described in section 8(a) of the International Banking Act of 1978.

''(3) RULES OF CONSTRUCTION.—For purposes of this subsection, a foreign bank shall be deemed to control any branch or agency of the foreign bank, and a person shall be deemed to act as a consultant for a depository institution, depository institution holding company, or other company, only if such person directly works on matters for, or on behalf of, such depository institution, depository institution holding company, or other company.

''(4) REGULATIONS.—

''(A) IN GENERAL.—Each Federal banking agency shall prescribe rules or regulations to administer and carry out this subsection, including rules, regulations, or guidelines to define the scope of persons referred to in paragraph (1)(B).

''(B) CONSULTATION REQUIRED.—The Federal banking agencies shall consult with each other for the purpose of assuring that the rules and regulations issued by the agencies under subparagraph (A) are, to the extent possible, consistent and comparable and practicable, taking into account any differences in the supervisory programs utilized by the agencies for the supervision of depository institutions and depository institution holding companies.

''(5) WAIVER.—

''(A) AGENCY AUTHORITY.—A Federal banking agency may grant a waiver, on a case by case basis, of the restriction imposed by this subsection to any officer or employee (including any special Government employee) of that agency, and the Board of Governors of the Federal Reserve System may grant a waiver of the restriction imposed by this subsection to any officer or employee of a Federal reserve bank, if the head of such agency certifies in writing that granting the waiver would not affect the integrity of the supervisory program of the relevant Federal banking agency.

''(B) DEFINITION.—For purposes of this paragraph, the head of an agency is—

''(i) the Comptroller of the Currency, in the case of the Office of the Comptroller of the Currency;

''(ii) the Chairman of the Board of Governors of the Federal Reserve System, in the case of the Board of Governors of the Federal Reserve System;

''(iii) the Chairperson of the Board of Directors, in the case of the Corporation; and

''(iv) the Director of the Office of Thrift Supervision, in the case of the Office of Thrift Supervision.

''(6) PENALTIES.—

''(A) IN GENERAL.—In addition to any other administrative, civil, or criminal remedy or penalty that may otherwise apply, whenever a Federal banking agency determines that a person subject to paragraph (1) has become associated, in the manner described in paragraph (1)(C), with a depository institution, depository institution holding company, or other company for which such agency serves as the appropriate Federal banking agency, the agency shall impose upon such person one or more of the following penalties:

''(i) INDUSTRY-WIDE PROHIBITION ORDER.—The Federal banking agency shall serve a written notice or order in accordance with and subject to the provisions of section 8(e)(4) for written notices or orders under paragraphs (1) or (2) of section 8(e), upon such person of the intention of the agency—

''(I) to remove such person from office or to prohibit such person from further participation in the conduct of the affairs of the depository institution, depository institution holding company, or other company for a period of up to 5 years; and

''(II) to prohibit any further participation by such person, in any manner, in the conduct of the affairs of any insured depository institution for a period of up to 5 years.

''(ii) CIVIL MONETARY FINE.—The Federal banking agency may, in an administrative proceeding or civil action in an appropriate United States district court, impose on such person a civil monetary penalty of not more than $250,000. In lieu of an action by the Federal banking agency under this clause, the Attorney General of the United States may bring a civil action under this clause in the appropriate United States district court. Any administrative proceeding under this clause shall be conducted in accordance with section 8(i).

''(B) SCOPE OF PROHIBITION ORDER.—Any person subject to an order issued under subparagraph (A)(i) shall be subject to paragraphs (6) and (7) of section 8(e) in the same manner and to the same extent as a person subject to an order issued under such section.

''(C) DEFINITIONS.—Solely for purposes of this paragraph, the 'appropriate Federal banking agency' for a company that is not a depository institution or depository institution holding company shall be the Federal banking agency on whose behalf the person described in paragraph (1) performed the functions described in paragraph (1)(B).''.

(c) POSTEMPLOYMENT RESTRICTION FOR CERTAIN CREDIT UNION EXAMINERS.—Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended by adding at the end the following:

''(w) ONE-YEAR RESTRICTIONS ON FEDERAL EXAMINERS OF INSURED CREDIT UNIONS.—

''(1) IN GENERAL.—In addition to other applicable restrictions set forth in title 18, United States Code, the penalties set forth in paragraph (5) of this subsection shall apply to any person who—

''(A) was an officer or employee (including any special Government employee) of the Administration;

''(B) served 2 or more months during the final 12 months of his or her employment with the Administration as the senior examiner (or a functionally equivalent position) of an insured credit union with continuing, broad responsibility for the examination (or inspection) of that insured credit union on behalf of the Administration; and

''(C) within 1 year after the termination date of his or her service or employment with the Administration, knowingly accepts compensation as an employee, officer, director, or consultant from such insured credit union.

''(2) RULE OF CONSTRUCTION.—For purposes of this subsection, a person shall be deemed to act as a consultant for an insured credit union only if such person directly works on matters for, or on behalf of, such insured credit union.

''(3) REGULATIONS.—

''(A) IN GENERAL.—The Board shall prescribe rules or regulations to administer and carry out this subsection, including rules, regulations, or guidelines to define the scope of persons referred to in paragraph (1)(B).

''(B) CONSULTATION.—In prescribing rules or regulations under this paragraph, the Board shall, to the extent it deems necessary, consult with the Federal banking

agencies (as defined in section 3 of the Federal Deposit Insurance Act) on regulations issued by such agencies in carrying out section 10(k) of the Federal Deposit Insurance Act.

''(4) WAIVER.—

''(A) AGENCY AUTHORITY.—The Board may grant a waiver, on a case by case basis, of the restriction imposed by this subsection to any officer or employee (including any special Government employee) of the Administration if the Chairman certifies in writing that granting the waiver would not affect the integrity of the supervisory program of the Administration.

''(5) PENALTIES.—

''(A) IN GENERAL.—In addition to any other administrative, civil, or criminal remedy or penalty that may otherwise apply, whenever the Board determines that a person subject to paragraph (1) has become associated, in the manner described in paragraph (1)(C), with an insured credit union, the Board shall impose upon such person one or more of the following penalties:

''(i) INDUSTRY-WIDE PROHIBITION ORDER.—The Board shall serve a written notice or order in accordance with and subject to the provisions of subsection (g)(4) for written notices or orders under paragraphs (1) or (2) of subsection (g), upon such person of the intention of the Board—

''(I) to remove such person from office or to prohibit such person from further participation in the conduct of the affairs of the insured credit union for a period of up to 5 years; and

''(II) to prohibit any further participation by such person, in any manner, in the conduct of the affairs of any insured credit union for a period of up to 5 years.

''(ii) CIVIL MONETARY FINE.—The Board may, in an administrative proceeding or civil action in an appropriate United States district court, impose on such person a civil monetary penalty of not more than $250,000. In lieu of an action by the Board under this clause, the Attorney General of the United States may bring a civil action under this clause in the appropriate United States district court. Any administrative proceeding under this clause shall be conducted in accordance with subsection (k).

''(B) SCOPE OF PROHIBITION ORDER.—Any person subject to an order issued under this subparagraph (A)(i) shall be subject to paragraphs (5) and (7) of subsection (g) in the same manner and to the same extent as a person subject to an order issued under subsection (g).''.

(d) EFFECTIVE DATE.—Notwithstanding section 341, subsection (a) shall become effective on the date of enactment of this Act, and the amendments made by subsections (b) and (c) shall become effective at the end of the 12-month period beginning on the date of enactment of this Act, whether or not final regulations are issued in accordance with the amendments made by this section as of that date of enactment.

(e) REPEAL OF DUPLICATIVE PROVISION.—Section ___16(c) of this Act, entitled ''REPORT ON TERRORIST FINANCING'' is repealed, and shall have no force or effect, effective on the date of enactment of this Act.

AMENDMENT NO. 3901

(Purpose: To require certain overdue reports relating to maritime security to be transmitted to the Congress within 90 days, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. DEADLINE FOR COMPLETION OF CERTAIN PLANS, REPORTS, AND ASSESSMENTS.

(a) STRATEGIC PLAN REPORTS.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall transmit to the Congress—

(1) a report on the status of the National Maritime Transportation Security Plan required by section 70103(a) of title 46, United States Code, which may be submitted in classified and redacted format;

(2) a comprehensive program management plan that identifies specific tasks to be completed and deadlines for completion for the transportation security card program under section 70105 of title 46, United States Code that incorporates best practices for communicating, coordinating, and collaborating with the relevant stakeholders to resolve relevant issues, such as background checks;

(3) a report on the status of negotiations under section 103 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70111 note);

(4) the report required by section 107(b) of the Maritime Transportation Security Act of 2002 (33 U.S.C. 1226 note); and

(5) a report on the status of the development of the system and program mandated by section 111 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70116 note).

(b) OTHER REPORTS.—Within 90 days after the date of enactment of this Act—

(1) the Secretary of Homeland Security shall transmit to the Congress—

(A) a report on the establishment of the National Maritime Security Advisory Committee appointed under section 70112 of title 46, United States Code; and

(B) a report on the status of the program established under section 70116 of title 46, United States Code, to evaluate and certify security systems of international intermodal transportation;

(2) the Secretary of Transportation shall transmit to the Congress the annual report required by section 905 of the International Maritime and Port Security Act (46 U.S.C. App. 1802) that includes information that should have been included in the last preceding annual report that was due under that section; and

(3) the Commandant of the United States Coast Guard shall transmit to Congress the report required by section 110(b) of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note).

(d) EFFECTIVE DATE.—Notwithstanding any other provision of this Act, this section takes effect on the date of enactment of this Act.

AMENDMENT NO. 3910

At the appropriate place, insert the following:

SEC. ___. REPORT ON INTERNATIONAL AIR CARGO THREATS.

(a) REPORT.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of Defense and the Administrator of the Federal Aviation Administration, shall submit a report to the Committee on Commerce, Science, and Transportation and the Committee on Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Select Committee on Homeland Security of the House of Representatives that contains the following:

(1) A description of the current procedures in place to address the threat of an inbound all-cargo aircraft from outside the United States that intelligence sources indicate could carry explosive, incendiary, chemical, biological or nuclear devices.

(2) An analysis of the potential for establishing secure facilities along established international aviation routes for the purposes of diverting and securing aircraft described in paragraph (1).

(b) REPORT FORMAT.—The Secretary may submit all, or part, of the report required by this section in classified and redacted form if the Secretary determines that it is appropriate or necessary.

AMENDMENT NO. 3923

(Purpose: To ensure the balance of privacy and civil liberties)

On page 154, strike lines 1 through 3 and insert the following:

(1) analyze and review actions the executive branch takes to protect the Nation from terrorism, ensuring that the need for such actions is balanced with the need to protect privacy and civil liberties; and

On page 155, line 6 strike beginning with ''has'' through line 9 and insert the following: ''has established—

''(i) that the need for the power is balanced with the need to protect privacy and civil liberties;''.

On page 166, strike lines 4 through 6 and insert the following: ''element has established—

''(i) that the need for the power is balanced with the need to protect privacy and civil liberties;''.

AMENDMENT NO. 3867

Mr. LEVIN. Mr. President, I thank the managers of the intelligence reform bill, S. 2845, for accepting an amendment offered by myself and Senator COLEMAN on the issue of terrorist financing. This amendment, amendment No. 3867, was developed in coordination with Senators COLLINS and LIEBERMAN of the Governmental Affairs Committee and Senators SHELBY and SARBANES of the Banking Committee. I thank each of my colleagues for their guidance and assistance which has enabled us to fashion a good amendment with bipartisan support and offer it to the bill today.

This amendment is the result of an extensive investigation by the Permanent Subcommittee on Investigations, initiated at my request, into money laundering allegations involving Riggs Bank, a nationally chartered bank located right here in the Nation's Capital. Our investigation found a bank which routinely allowed highly questionable transactions with few questions asked. Some of these transactions involved millions of dollars in cash or suspicious wire transfers; others have raised serious concerns about possible terrorist financing.

We live in a post-9/11 world. After the attack on America, we strengthened our antimoney laundering laws, in part, because Osama bin Laden boasted that his modern new recruits knew the ''cracks'' in ''Western financial systems'' like they knew the ''lines in their hands.'' That chilling statement helped fuel a new effort to strengthen our defenses against terrorists, corrupt dictators, and others who would use our financial systems against us. Part of that effort was Congress' enactment of the PATRIOT Act which, in title III, strengthened U.S. laws to stop money laundering, foreign corruption, and terrorist financing.

Even before the PATRIOT Act, we had laws and regulations to stop money laundering. In fact, since 1987, the Office of the Comptroller of the

Currency, OCC, has required nationally chartered banks to establish antimoney laundering programs to ensure the banking system is not misused by criminals. The PATRIOT Act was intended to build on that existing foundation to further strengthen our defenses against money launderers.

Our investigation found that Riggs Bank ignored its antimoney laundering obligations before the PATRIOT Act, and continued to ignore them afterward. We found that the bank didn't get serious in part because, in the past, when bank regulators pointed out problems with Riggs' antimoney laundering controls, if the bank promised to do better, the regulators let it go. The regulators tolerated the bank's weak antimoney laundering program, continued to accept excuses when deficiencies were not corrected, and continued to hold off on tough enforcement measures.

We were particularly surprised to learn that the OCC examiner-in-charge who oversaw Riggs Bank for 4 years, from 1998 to 2002, appeared to function at times as more of an advocate for the bank than an arms-length regulator. The investigation found, for example, that in 2001, the examiner-in-charge advised more senior OCC personnel against taking a formal enforcement action against Riggs for its lax antimoney laundering program, because the bank had promised to do better. In 2002, after subordinate examiners had uncovered troubling transactions and bank accounts involving Augusto Pinochet, the former President of Chile, and actions by Riggs to hide those accounts from the OCC for 2 years, the examiner-in-charge ordered the examination materials not to be included in the OCC's electronic database, even though such materials are normally placed in that database. The examination materials were instead saved in paper form, making it much more difficult for subsequent examiners to learn about the Pinochet examination. About a month after giving this order, that same Examiner-in-Charge was offered a job at Riggs. He later retired from the OCC and 3 days after retiring, took a senior position with Riggs.

These actions—advising against a formal enforcement action, suppressing the Pinochet examination materials, and accepting a job offer at the bank he regulated, among others—raise serious conflict of interest concerns. Federal bank examiners are our first line of defense against money laundering and terrorist financing at U.S. banks, and we can't allow their independence to be undermined by the lure of a job at the banks they oversee.

The 9/11 Commission report notes the important role that stopping terrorist financing plays in our counterterrorism efforts. It explicitly recommends that U.S. antiterrorist financing programs remain ''front and center in U.S. counterterrorism efforts.'' Subcommittee hearings and a report released by my staff in July of this year support that recommendation and offer a detailed legislative record demonstrating the need for new measures to further strengthen federal oversight of the antimoney laundering programs at our financial institutions.

The Levin-Coleman amendment would strengthen U.S. anti-terrorist financing efforts in two ways. First, it would require the President, through the Treasury Secretary, to take a hard look at the current state of U.S. efforts to combat terrorist financing and issue a report in 6 months with recommendations for reforms. One of the most important issues to be addressed is improving our process for setting priorities and coordinating U.S. agency efforts to detect, track, disrupt, and stop terrorist financing. It is far from clear today, when it comes to combating terrorist financing, what U.S. agency official, if any, has primary responsibility for developing priorities, assigning tasks to agencies, and monitoring the implementation of policy and operations.

Secondly, the amendment would impose a 1-year cooling off period before a senior Federal examiner may take a job with a financial institution that he or she was responsible for overseeing. This cooling off period is similar to one already in place for Federal procurement officials under 41 U.S. 423(d). Members of Congress, Congressional staff, and many other Federal employees already operate under cooling off periods, which have been in place for years and have had a beneficial effect. Our amendment would apply a new cooling off period to senior federal bank examiners like the OCC examiner who oversaw Riggs.

John D. Hawke, Jr., U.S. Comptroller of the Currency and head of the OCC, which served as the primary regulator of Riggs, has expressed strong support for legislation imposing a 1-year cooling off period for senior Federal examiners, stating in a memorandum to OCC staff that ''when an OCC examiner, with no break in continuity, takes employment with a bank he or she has been supervising, there are inevitably questions that will be asked and suspicions raised.'' He apparently wanted to impose a cooling off period on OCC examiners 4 years ago but was advised that he lacked the statutory authority to do so. The report released by my subcommittee staff in July also recommends enacting a 1-year cooling off period for bank examiners. Similar legislation, introduced in the House of Representatives by Rep. LUIS GUTIERREZ, D–Ill., and Rep. SUE KELLY, R–NY, was recently approved by the House Financial Services Committee for inclusion in the House intelligence reform bill.

The Levin-Coleman amendment would close the revolving door and eliminate potential and actual conflicts of interest for our federal examiners. It would also provide a fresh look at our country's antiterrorist financing efforts. I thank my colleagues on both sides of the aisle for supporting this amendment.

A brief section-by-section explanation of the amendment follows.

Subsection (a) directs the Treasury Department to prepare a report within 6 months evaluating the current state of U.S. efforts to curtail the international financing of terrorism. The report is required to address the effectiveness and efficiency of current Federal programs to detect, track, disrupt, and stop terrorist financing; the relationship between terrorist financing and money laundering; the nature, effectiveness and efficiency of current efforts to coordinate intelligence and agency operations related to terrorist financing, including identifying which agency official, if any, has primary responsibility to develop priorities, assign tasks to agencies and monitor the implementation of policy and operations related to terrorism; the effectiveness and efficiency of efforts to protect the critical infrastructure of the U.S. financial system; ways to improve the effectiveness of financial institutions; ways to improve multilateral and international governmental cooperation on terrorist financing; and recommendations for reforms.

Subsection (b) imposes a 1-year cooling off period on senior examiners at the OCC, Federal Reserve Banks, Federal Deposit Insurance Corporation, Office of Thrift Supervision, and National Credit Union Administration before a senior examiner can take a job at a financial institution that he or she oversaw. The subsection does so by establishing a new subsection (k) in the statutes applicable to these agencies.

The new subsection (k) contains language that was drawn from two sets of postemployment provisions now in the federal code, the provisions in section 207 of title 18 applicable to a variety of senior federal employees and the provisions in section 423(d) of title 41 applicable to senior Federal procurement officials. For example, the new subsection (k) draws on the ''knowing'' standard used in the section 207 provisions, and the ''compensation'' language that appears in section 423(d).

The new subsection (k) is intended to apply only to senior examiners who have a meaningful relationship with a financial institution, such as an examiner-in-charge or a senior examiner with dedicated responsibility to oversee a particular institution. It is not intended to apply to less senior examiners who may examine or inspect dozens of financial institutions in a single year without developing a sustained relationship with any one institution. It is also not intended to apply to persons holding supervisory positions that do not involve routine interactions with an institution for purposes of examining or inspecting the institution's books or operations. The provision may apply to more than one senior examiner at the same financial institution, and is not limited to examiners with an

office at the site of the financial institution or to examiners who spend 100 percent of their time on a single institution.

Each Federal banking agency is directed to issue rules, regulations, and guidance to delineate the personnel to which this postemployment restriction applies. Each agency head also has authority, on a case-by-case basis, to waive the postemployment restriction for a particular individual if the waiver would not hurt the integrity of the agency's supervisory program. It is intended that the agency head issue these waivers personally, without delegating the waiver authority to another official, to ensure careful usage.

The new subsection (k) authorizes two types of penalties for senior examiners who violate the 1-year cooling off period. These two penalties are in addition to any other administrative, civil, or criminal remedy or penalty that may be available to the United States or any other person for the same conduct. The first penalty is an industry-wide employment ban which requires the relevant agency to remove the affected individual from the financial institution and prohibit them from employment at any insured financial institution for up to 5 years. The second penalty authorizes the agency to impose a civil monetary fine on the individual of up to $250,000. This fine would have to be imposed either in a Federal court proceeding or in an administrative proceeding that accords with the agency's administrative rules for imposing civil monetary penalties. The provision also authorizes the Attorney General to impose a civil monetary penalty if an agency does not, but prohibits both from doing so.

The requirement for a 1-year cooling off period is intended to become effective one year after the date of the enactment of this act, whether or not any agency issues implementing regulations to carry out the act's requirements.

Mr. COLEMAN. Mr. President, first of all, I thank Chairman COLLINS and ranking Member Senator LIEBERMAN, for their diligence and hard work on the National Intelligence Reform bill. I would like to say a few words on the Levin-Coleman amendment on terrorist financing. Without question, financial institutions are vital to our economy. Unfortunately, banks can also be used as conduits for terrorist financing and money laundering.

In July, 2004, as chairman of the Permanent Subcommittee on Investigations, I held a hearing on suspicious financial activity in accounts handled by Riggs Bank. The subcommittee uncovered clear evidence of poor bank compliance and lax oversight regarding Federal laws, designed to protect the integrity of the international financial system.

Chairman COLLINS is currently looking at certain Saudi Arabian accounts that may have benefited two of the September 11, 2001 hijackers. I commend her diligence in expanding our investigation and look forward to the results of her investigation.

Equally disturbing, PSI's investigation demonstrated that Federal banking regulators took far too long to implement proper controls and procedures to identify, monitor, and combat money laundering, suspicious activity, and terrorist financing. In particular, I was troubled by the actions of a former senior bank examiner of Riggs Bank who began to work for Riggs Bank immediately after retiring from the Office of Comptroller of the Currency. Prior to leaving Riggs Bank, this examiner apparently limited findings of accounts owned by Augusto Pinochet contrary to established policies. Upon taking employment at Riggs Bank, this former examiner attended numerous meetings with bank regulators such that the potential for undue influence was less than to be desired.

Certain provisions of this legislation will close the revolving door between senior examiners and the financial institutions they examine, by requiring a cooling off period of 1 year before taking employment at the financial institutions they previously regulated.

In a post-9/11 world, we need to ensure that financial institutions and Federal banking regulators uphold Federal banking statutes, including the Bank Secrecy Act and the Patriot Act. This legislation will maintain the separation between Federal banking regulators and financial institutions. Given our concern for terrorist financing, and our heavy reliance on the integrity of the financial system, reducing the potential of harm is necessary because the stakes are too high if problems go uncorrected. I hope my colleagues will all join me in support of this amendment.

Mr. JEFFORDS. Mr. President, on the morning of September 14, 2001, I toured the Pentagon with officials from the Federal Emergency Management Agency, FEMA. I was so impressed, that on the morning of September 11, in the hours following an unspeakable tragedy, first responders and rescue workers from different departments were able to work as one great team to extinguish the fires, to help the injured, and to save lives. This first impression only tells half of the real story. In actuality, the bravery and selflessness of the firefighters, emergency medical technicians, and police officers were hindered by a lack of interoperability between their communications systems. I spoke with workers at the Pentagon who experienced this limitation firsthand. It's inconceivable to me that members of fire departments and emergency agencies from Fairfax and Arlington Counties, the District of Columbia, and Montgomery County were held back because of equipment incompatibility.

The lack of adequate communications equipment was not only an unnecessary impediment to response operations in and among units on duty across the Potomac at the Pentagon, but has also been an obstacle to other emergencies. In March 2002, I chaired an Environment and Public Works Committee hearing to address the budget needs of FEMA. At the hearing, then-Director Joe Allbaugh testified that:

> This problem of limited interoperability is especially frustrating in the area of communications. While at Ground Zero for several days, I personally witnessed first responders passing notes, handwritten notes, back and forth to one another as the most reliable, effective means of communication. On September 11 and in other emergency situations, seamless communication interoperability would have saved lives.

Today, more than 3 years after the attacks of September 11, the Senate is still debating the issues of interoperability and sufficient communications capabilities.

Interoperability is not only an issue during times of extreme national distress, whether brought on by a terrorist attack or a natural disaster. On August 19, 1997, residents and police officers from northern Vermont and New Hampshire were faced with tragedy when Carl Draga began a shooting spree, killing four and wounding three others, before being killed in an standoff with police. Throughout that sad day, officers from the Vermont and New Hampshire State Police and a New Hampshire Fish and Game warden chased Draga across the Connecticut River from New Hampshire to Vermont and back again to New Hampshire. Compounding the difficulty of pursuing a fugitive across State lines, was the lack of interoperability between the departments. Communications were hampered by the technical limitations of the radios and other equipment.

Last week, the Senate unanimously adopted amendments that will provide for a higher priority for public safety in terms of Spectrum allocation. My amendment will further address the needs of first responders. My amendment will establish National Interoperability Standards and a National Interoperability Implementation Plan to put those standards into place. Specifically, the Department of Homeland Security, DHS, will, no later than 1 year after the enactment of this bill, adopt interoperability goals and standards to fully assess and evaluate the technical needs of first responders for more routine operations and for catastrophic events like those we suffered on September 11, 2001. After those goals and standards are developed, the DHS will create an implementation plan, and will report to the Congress on its plan and its progress. This will ensure that as the Federal Government, States, and localities spend money on interoperability, we will all be working in the same direction, toward one set of goals, with measurable results.

My amendment also requires that the DHS establish a means of coordinating international interoperability. For States like Vermont, which share an international borer, it is imperative

that first responders in both nations communicate with each other.

We must be prepared for the future, and we must give our first responders the tools they need to perform their duties. My amendment will give the DHS the direction and authority to make our country safer.

MORNING BUSINESS

Ms. COLLINS. Mr. President, I ask unanimous consent that there now be a period of morning business for debate only with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED SERVICES

FIRST LIEUTENANT TYLER HALL BROWN

Mr. CHAMBLISS. Mr. President, I rise today to honor United States Army 1LT Tyler Hall Brown, who was killed proudly fighting for his country in Iraq on September 14, 2004. An Airborne Ranger and ROTC graduate from Atlanta, GA, Tyler was 26 years old.

Tyler was born on May 27, 1978, in Atlanta. He attended Woodward Academy and was senior class president, where his classmates considered him a ''politician in the making.''

Tyler Brown then attended the Georgia Institute of Technology where he was student body president of the Class of 2001 and a cadet in the Army ROTC program. Tyler graduated with dual bachelor of science degrees in management and in history, society and technology. After being commissioned as an Army Officer, he was assigned to the 2nd Infantry Division—Camp Hovey, in Tongduchon City, Korea. From Korea, he deployed to Iraq early last month with his unit, C Company, 1st Battalion, 9th Infantry Regiment, 2nd Infantry Division. He was killed by small arms fire when his unit was attacked by insurgents in the Iraqi town of Ar Ramadi, Iraq, 70 miles west of Baghdad.

Lieutenant Brown was slain by a sniper as he led a reconnaissance patrol in an Iraqi town infested with insurgents. Mortally wounded by the sniper's shot, Lieutenant Brown was able to give a warning to his men, which prevented any others from being hit. Though he was wearing upper body armor, he was hit in the upper thigh where a tourniquet could not stop the bleeding.

His unit had deployed from Korea in early September and had been in Iraq only two weeks when Tyler was killed.

Tyler's company commander, CPT Daniel Gade, made the following comments: ''Tyler was the finest officer I've ever known . . . he loved his men, and they loved him in return.''

It is certainly ironic that Lieutenant Brown had been approved for service in the Army's famous 3rd Infantry Regiment, known as the Old Guard, which guards the Tomb of the Unknowns and serves as escorts at military burials at Arlington Cemetery. Instead, Brown chose to go to Iraq with men from his battalion in South Korea. On September 28, at Arlington Cemetery, the Old Guard that he was to join honored Tyler Brown at his gravesite.

Tyler Brown was a great American, a great soldier, a great leader, and an outstanding young man. He and his comrades in Iraq deserve our deepest gratitude and respect as they go about the extraordinarily challenging, important job of rebuilding a country, which will result in freedom and prosperity for million of Iraqis. I join with Tyler's family, friends, and fellow soldiers in mourning his loss and want them to know that Tyler's sacrifice will not be lost or forgotten, but will truly make a difference in the lives of the Iraqi people.

HE SAPA WACIPI

Mr. DASCHLE. Mr. President, I take this opportunity to let my Senate colleagues know about a wonderful event going on back in my home state of South Dakota later this week. For 3 days starting on Friday, October 8, the 18th Annual He Sapa Wacipi (Black Hills Powwow) and Fine Arts Show will be taking place in the beautiful Black Hills, traditional homeland of the Oceti Sakowin Oyate, or Great Sioux Nation. I can think of no better way, or place, to celebrate life and the vibrant cultures of the bands of the Oceti Sakowin Oyate, and of the many other tribal nations who live throughout the Great Plains.

I also want to take this opportunity to congratulate the tribal citizens of the Oceti Sakowin Oyate, the board of directors of the Black Hills Powwow Association, the organizers and event staff, and the all those participating in the Wacipi.

In Washington on September 21, 2004, we celebrated the opening of the National Museum of the American Indian. The events associated with the museum's dedication marked the first time in history that so many people from throughout the Western Hemisphere have gathered to celebrate a museum dedicated solely to their historic contributions to humankind, their many struggles for survival, and their present-day accomplishments and lifeways. Featured prominently in the museum and accompanying celebrations were the tribal nations of the Great Plains.

The opening week of the museum was also historic because the Senate Committee on Indian Affairs held an oversight hearing on the contributions of Native American code talkers in World War I, the Korean War, and World War II. There have been code talkers from at least 17 tribes, the Lakota, Dakota, and Nakota among them. As a cosponsor of legislation that would honor all Native American code talkers, I was especially proud to have met and visited with Clarence Wolf Guts, of the Oglala Lakota Nation, the last surviving Lakota code talker. I had the honor of presenting Clarence with a framed copy of a recent Senate floor speech I delivered that was submitted to the CONGRESSIONAL RECORD in Lakota, marking the first time a Native American language has been memorialized in the RECORD.

Like the National Museum of the American Indian, and the legacy of the code talkers, the He Sapa Wacipi is a living testament to the tribal nations of the Great Plains. It brings people from across North America, young and old, Indian and non-Indian, together to celebrate life through song and dance. It is a chance for old friends to see one another, and for new ones to be made. The art show gives Native American artists the opportunity to showcase their talent, and there are various other activities, including traditional hand-game tournaments, contemporary Native American music concerts, and activities targeted to the youth. It is more than just a dance; it is a modern expression of the traditional values of respect, honor, devotion to family, and patriotism that so many of our tribal nations have embodied throughout history.

For my part, I am sorry that my schedule keeps me from attending such a wonderful event. But I am proud to officially acknowledge and honor all those participating in the He Sapa Wacipi.

TRIBUTE TO DR. BEVERLY KEEPERS

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a special and valued educator in my hometown of Louisville, KY, Dr. Beverly Keepers. Dr. Keepers has devoted her time and energy for the past 34 years to the educational growth of the Commonwealth's youth.

Dr. Keepers is a native of Shively, KY where she attended McFerren Elementary and graduated from Western High school. Following high school, she entered Western Kentucky University and earned a Bachelor of Arts Degree in English with minors in theatre arts and education. With her degree in hand, she started her career at Butler High School teaching English, theater, journalism, and photography.

Dr. Keepers' many talents in the classroom were recognized and in 1988 she accepted the assistant principal position at Southern High School. One year later she became the principal at the Youth Performing Arts School, YPAS, in Louisville. While this position was challenging in and of itself, Dr. Keepers was offered a second principalship at Louisville's duPont Manual High School. She accepted the offer and became the first woman in higher administration in Manual's history. In the fall of 1991, she began her dual roles as principal at two different schools, and hit the ground running.

During her years at Manual and YPAS, Dr. Keepers has earned the respect of students and teachers alike. She has made the campuses safer, kept the schools up to date with the latest technologies, strove to make student's voices heard, and worked hard to continue the long standing tradition of excellence at Manual High School and YPAS.

If all this work were not enough, Dr. Keepers was recently a student herself. She went back to school in 2000 and completed her doctorate in educational leadership and organizational development at my alma mater, the University of Louisville, where she was named to the dean's list and was recognized with an Outstanding Student award.

Dr. Keepers' hectic schedule does not end when the school bell rings either. While she has shown tireless dedication by working 70-hour weeks, she remains devoted to her family: husband Jerry, and their two daughters, Tiffany and Lauren.

While most would say her contributions to the Louisville community are more than enough, she is quite active outside of school. She serves as a board member of the Kentucky Derby Festival and Kosair Children's Hospital and has participated in Leadership Louisville and the Bingham Fellows.

Today I ask my colleagues to join me in honoring and recognizing Dr. Beverly Keepers as a truly remarkable member of the Louisville community.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On May 19, 2002, in Wise, VA, Joseph Armstrong murdered his cellmate, Kenneth Boothe Jr., at Red Onion State Prison. During the trial, prosecutors contended Armstrong killed Boothe because he hated gays and blacks and thought Boothe was gay.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

MINNESOTA'S FAVORITE TEACHERS

Mr. DAYTON. Mr. President, Recently I invited Minnesotans to honor their favorite teachers. The response was overwhelming.

Over 4,000 Minnesotans nominated their favorite teachers. Many teachers were nominated more than once. Current students nominated present teachers. Older Minnesotans nominated teachers from years, even decades, ago.

Many of the honored teachers are still actively teaching; others are now retired; some have passed away. I wish there was time here and space in the CONGRESSIONAL RECORD to read all of the words of admiration and gratitude, which accompanied those 4,000 nominations.

They were truly heartwarming. Very successful adults credited special teachers with turning their lives around; helping them to recognize their undiscovered talents, or sparking interests which led to their successful careers.

The specific details varied but the conclusions were the same. Those teachers made huge differences in the lives of their students. They saved lives. They made lives. They taught more than their subjects. They taught ways of thinking, ways of being. They taught study skills and the value of hard work. They helped boys and girls; young women and young men to find themselves, to believe in themselves, and to better themselves. They helped young dreamers learn how to live out those dreams and how to make them life-enhancing realities.

We do too little to credit and honor the many teachers—dedicated men and women—who perform these human miracles for our children. They are modestly paid at best, underpaid at worst, although most of them do not teach for monetary rewards. They teach for their love of teaching, for the joys of performing their magical awakening of young minds to new possibilities. They take personal satisfaction in their own knowledge of their successes, even when they are seldom recognized and appreciated by the rest of us. It may be only years later that someone thinks to note their incredible contributions. Now is one those moments.

Sadly, in Minnesota, there is mostly bashing and trashing of public school teachers and public schools. They are paid $2,500 less than the national averages for public school K–12 teachers. Their class sizes are larger than the national average. State support for public school students is declining, both in real dollars and relative to other states. They are asked to do more and more, with less and less.

The least we can do is to say thank you, when they do their jobs well. I encourage my fellow Minnesotans to thank a teacher this week or this month, and next week or next month. Either a present or former teacher. For a special job, well done. They deserve it. They have earned it.

I ask unanimous consent that names of teachers nominated by Minnesotans as their favorite teachers be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ABE Program (Burnsville)—Dorien Busch; Academia Cesar Chavez—Melissa Deeb; Academy of Hly Angels—Nancy Alcombright, Johanna Giesen, Kate Hanson, Mary Jonas, James Page, Gregg Sawyer; Academy of Saints Peter & Paul—Rachel Gapinsky, Molly Green-Tandberg, Mrs. Whitmore; Adams Elementary (Coon Rapids)—Jenny Popp, Tim Simonson; Adams Magnet Elementary (St. Paul)—Casey Cavenaugh, Ruth Gandara, Tatiana Leiva, Andrea Marcy, Marina Median, Amy Ottaviani, Tamara Ramirez, Shelly Stevens, Carrie Webber; Adrian Elementary—Jolene Henning; Afton-Lakeland Elementary—Caronline DeRuck, Colleen Hayne, Derek Olson; AGAPE–ALC (St. Paul)—Rosemary Dosch; Akin Road Elementary—Anita Ruthenbeck; Albany High School—Bill Krogman; Albert Lea High School—Jill Donahue, Paul Kile; Albertville ECSE Program—Linda Foss; Albrook School—Kit Davis, Sandra Olson; Alden-Conger Secondary School—Marty Anderson; Alice Smith Elementary—Anne Crowe, Ms. Lynch, Martha Mason, Jody Olson, Carla Perrier, Shelley Varner; Alta Elementary—Cary Friedrich; Alternative Learning Center (Norwood-Young America)—Dennis Stanek; American Indian Magnet—Ms. Fairbanks, Heidi Nakatani; Ames Elementary—John Weimholt; Anderson Open Elementary—Deb Becker, Martha Purcell, Jo Thies, Tony Trelles; Andover—Patti Bollinger; Andover Elementary—Mrs. Bastian, Gail Fessler, Mrs. Vanarsedale, Linda Zdenek, Terry Zumberg, Sue Casey; Andover High School—Deb Aaarsch, Stew Lasky, Renee Voltin; Annandale Middle School—Troy Davidson, Pam Peterson; Anne Sullivan Communication Center—Susette Brandon, Pat Coonen-Korte, Molly Coyne, Sharon DeLisle, Joyce Graham, Alan Husby, Ron Hustvedt, Sue Levahn; Annuciation School—Marie Murphy, Mrs. Nixon, Mary Strickland; Anoka—Joleen Lundeen; Anoka High School—Mr. Alhquist, Mr. Baufield, Scott Birklid, Jeff Buerkle, Mr. Coffee, Marilee Gustafson, Peter Hayes, Morrie Johnson, Paul Kelley, Bob and Susan Kimball, Mr. Rignell, Brenda Selander, Mr. Wicks;

Anoka-Ramsey Community College—Steve Beste, Gorrdy Wax; Anoka-Hennepin Community College—Judy Klein-Pells, Lea Yager; Anwatin Middle School—Ed Barlow, Lou Byers, Dennis Debe, Tom Muehlbauer, Steven Polen, Libby Schubert, Tanna Swanson, Chris Wernimont, Jackie Williams; Apollo High School—Sue Peterka; Apple Valley High School—Cathy Campbell, Mike Egstad, Barry Gimpel, Robert Helgeson, Thomas O'Neill, Frank Pasquerella, Ron Ronning, Wenzel Ruhmann; Arden Hills—Mr. Price; Argosy University—Susan Hines; Arlington High School—Allan Grady, Tami Molkenbur, Michelle Monogue, Diana Morton, Ms. Page, Mark Rawlings, Claudia Reeve, Sue Tuggle; Armatage Elementary—Sue Allen, Jane Campbell, Hern Livermore, Mary Shaffer, Les Beudoin; Armstrong High School—Mary Davis, Jill Wolpert; ARTech Charter School (Northfield)—Anne Klawiter; Ashland Middle School—Ms. Heino; Assumption School—Ms. Kolidji; Augsburg College—Dal Liddle, John Shockley; Augustan College—Janina Ehrlich; Austin High School—Maurine Carver, Peter Schmidt; Avalon Charter School—Nora Whalen; Aveda Institute—Lyndon Barsten, Joe Lopez; Avon Elementary—Ridell Mathwison; Bailey Elementary—Renee Birkholtz; Baker Elementary—Florence Allen, Sue Powell; Baldwin-Woodville High School—Marti Koller; Bamber Valley Elementary—Janet Carlson; Bancroft Elementary—Mrs. Johnson, Jill Loesch, Danton Tyree; Barton Open Elementary—Mary Austin, Mark Downing, Laura Ellison, Karin Emerson, Lee Fabel, Maryann Fabel, Allison Forester, M. Gauthier, Kate Glasenapp, Robin Jacobs, Chris Jaglo, John

Kline, Julie Martin, Patrice Pavek, Helena Perry, Amber Place, Scott Slocum, Jane Spicer, Jackie Sullivan; Basswood Elementary—Wendy Forsyth, Ms. Lalin, Reene Williams; Battle Creek Magnet Elementary—Jennifer Carwright, Joan Hunkeke; Bay View Elementary (Duluth)—Sue Hieb; Bayview Elementary (Waconia)—Stacy Gustafson; Becker High School—Sue Meyer, Dan Olson, Lisa Sackett, Joini Svaren; Becker Intermediate Elementary—Joan O'Brian; Becker Middle School—Wayne Johnson, Jennifer Mahowald, Sandy Hayes; Bel Air Elementary—Debbie Raymond; Belle Plain Elementary—Diane Hanson; Belle Plaine Junior High—Steven Schroeder; Bemidji—Orin Ecternach, Mrs. Sanford; Bemidji High School—Dan Bryant, James Saari, Diane Sharpe;

Bemloji Middle School—Kent Nichols, Moe Webb; Bemidji State University—Mark Christensen; Ben Franklin Junior High—Dy Fladland; Bendix Elementary—Brian Atkinson, Ms. Fee; Benilde-Saint Margaret's School—Michael Jeremiah, Sylvian Sundrom, Mrs. Zahedi; Benjamin Banneker Middle School—Scott Grabowski, Delores Lemp; Bethune Elementary—Elizabeth Bergu, Sandi Sween; Birch Grove Elementary—Mrs. Johnson, Tanya Stember; Birchview Elementary—Marianne Brinda, Kathy Henkel, Douglas Johnson, Shannon Peterson; Birchwood Elementary (Duluth)—Milton Hill; Birchwood Elementary (Plymouth)—Jill Freshwaters; Bird Island Elementary—Betsy Hennen; Bishop Elementary—Mrs. Barnes; Black Hawk Middle School—Alan Glass, Mrs. Windgate; Blaine High School—Frank Shelton, Robert Strand, Joyce Banghart, Robert Godding, Alan Krantz, Mr. Mesick, Bradley Miller, Bruce Olson, Larry Osnek, Walt Pimlott, Kathleen Pimlott, Ed Schaefle, Ms. Sundberg, Jean Wontor; Blessed Sacrament School (St. Paul)—Angie Kelcher; Blessed Sacrament School (Toledo, OH)—Mrs. Tansey, Mrs. Wyrick; Bloomington—Mike Becker, Carol Berg, Debbie Rohde, Mrs. Russell, Jan Tweet, All Bloomington School District Teachers; Blue Heron Elementary—Ms. Kegley, Kathy Perreault, Mandy Hidabrands; Bluff Creek Elementary—Sharla Ekegren, Lisa Gilbert, Susan Gulstrand; Braham Area Secondary School—Herman Aune; Brainard High School—Sue Headlee, Alan Hewitt, Keith Peterson; Breck School—Mrs. Barton, Jane Bartow, Peter Clark, Penny Donelson, Dan Dotteny, Mr. Thomas, Sara Thorne, Bonnie Zeff; Bridgewater Elementary—Lee Murray; Brimhall Elementary—Lonnie Doberstein, Shirley Heiligman, Ann Hobbie, Margaret Kuhfield, Marina Liadova, Rich Olson, Ms. Tyler; Brooklyn Center High School—Robert Jacobson, Roger Dick, Ben Vennes; Brookland Park—Mrs. Lafrenz, Judith Nelson, Tracey Williams; Brooklyn Park Junior High—Al Daas, Cindy Knight, Mr. Johnson; Brookside Education Center—Mary Hinnekamp; Brown College—Lyn Bell, Rick Murray; Bruce F. Vento Elementary—Laura Vargo, Marjorie Smith; Bryn Mawr Elementary—Annette Gagliardi, Suzanne Greenberg, Joann Parker, Jeanie Revor; Buchtel Senior High School (Akron, OH)—James Wortham; Budd Elementary—Michelle Rosen; Buffalo Community Middle School—Mrs. Baunschmidt, Greg Blacik, Suzette Habisch, Barry Johnson, Joan Olson; Buffalo High School—Gerry Bakke, Mrs. Cary, Tracy Hagstrom, David Robinson, Joel Squadroni, Mrs. Soderman; Burnsville—Mrs. Ubbelohde, Ms. Conrad, Shannon Westerbuck, Dan Wolf, Mrs. Wolter, Matt Deutsch, Mrs. Drugge, Kevin Floyd, Linda Goude, Jenny Hugstad-Vaa, Andy Karageorgiu, Jeff Marshall, Cheryl Thorson, Harlan Ernisee, David Griffith;

Burroughs Elementary—Tim Cadotte, Mrs. Curtis, Ms. Davies, Theresa Fee, Norman Hauer, Joe Janssen, Mr. Kilabarda, Samuel Larsen, Greg Moen; Byron Elementary—Rebecca Demmer, C.H.I.L.D. Preschool, Fairview University Medical Center—Rose Beauchamp; Cambridge—Isanti School District—Chris Miller; Calvin Christian School—Amanda Kubacki; Cambridge Middle School—Mark Rothbauer; Cambridge-Isanti High School—Bruce Anderson, Kathy Dolezal, Bob Dolezal, Rebecca Lieser, John Porisch, Shane Weibel; Cannon Falls Elementary—Nancy Berhow, Staff of Cannon Falls Elementary; Cannon Falls High School—John Fogarty, Pat Senjum; Cannon Falls Middle School—Carol McNeary; Capitol Hill Elementary—Robert Burns, Barbara Ford, Mrs. Gulner; Capitol Hill Magnet—Renne Antonow, John Benda, Robert Burns, Mr. Lewter, Annette Lopez, John Maycock, Jane McKim, Mrs. Ochi-Watson, John Porter, Nancy Randall, Mr. Scott, Tom DeGree, Lucy Kanson, Niemiec Marian, Marti Starr, Mary Steffy, Carlton Elementary—Kathryn Vigliaturo; Carlton High School—Mr. Gardner; Carondelet Catholic School—Kevin Bagley, Anna Hoffman, Jeff Ruhnke, Mr. Wright; Carver Elementary—Kathryn Gantriis, Patti Life, Sandy Winegarden; Carver-Scott Education Cooperative—Cindy Walters; Castle Elementary—Barb Ives, Joyce Tonn, Micah Friese; Cedar Creek Community School—Mrs. Mozetti, Pete Rose; Cedar Island Elementary—Norma Hughes, Ms. Tobler, Chuck Waltz, Jennifer Leslie, All Cedar Island Elementary Teachers; Cedar Manor Elementary—Marriah Davis; Cedar Park Elementary—Mrs. Kouba, Mrs. Rustad, Sandy Spitzner; Cedar Rapids Community Schools—Dora McNulty, Mr. Moran, Jan Schrader; Cedar Ridge Elementary (Eden Prairie)—Beth Kohls, Barry Zeeb; Cedar Riverside Community School (Minneapolis)—Stephanie Byrdziak; Cedar School—Joan Ward; Cedarburg High School—Robert Merklein; Centennial Elementary (Circle Pines)—Mrs. Doble, Ms. Fritz, Mr. Gutbrod, Amy Halbur, Emily Hjelle, Rhonda Stone, Mr. Wirkkunen; Centennial Elementary (Richfield)—Erica Busta-Loken, Jake Jauert, Becky Rysted; Centennial High School (Circle Pines)—Duane, John Eret, Nicole Larson, Greg Schmidt, Nicole Sherry, Jeff Welciek, David Wolff; Centennial Junior High (Lino Lakes)—Mrs. Allen; Centennial Middle School (Lino Lakes)—Jill Ehlen Christian Gould, Suzanne Horne, Erica Joy Johnson, Karen Ross-Brown, Greg Schnagl, Laurie Tangren, Ann Thomsen;

Centerville Elementary School—Ann Batholomew; Central Community Center (Minneapolis)—Kris Fingerson; Central Community Center Child Care (St. Louis Park)—Beth Shannon; Central Elementary (Norwood)—Dave Rauch; Central Elementary (Winona)—Carol Harbinson; Central High School (Duluth)—Cal Benson; Central High School (Omaha, NE)—Dan Daly; Central High School (St. Paul)—R.C. Demers, John Elwell, Orville Everson, Patrty Heim, Mrs. Jithendranathan, Mary Mackbee, Donald Murray, Cathy Nachbar, Tom Niland, Matthew Oyen, Lorraine Potuzak, Meredith Rainbow, John Rousseau, Mrs. Schlukebier, Ms. Speltz, Amy Stelle, Ed Roth; Central Lakes College—Mary Barthel; Central Middle School (Eden Prairie)—Patrick Gallagher, Scott Hackett, Karen Nelson; Central Middle School (Plymouth)—Dan Nielsen; Central Middle School (Wihte Bear Lake)—Kari Jansen; Central Park Elementary (Roseville)—Lisa Bell, Liz Dayton, Gail Hoveland-Wires, Andrew Nielsen, Mrs. Snyder, Ms. Wheton; Central Services Building (Stillwater)—Jo Tate; Century College—Brian Downs, Wayne Haag, Mark Hophmeister, Kim Loomis; Centruy High School (Rochester)—Shane Baker, Sonia Ellsworth, Lanny Kolpek, Jean Marvin, Phillip Olson, Kari Stellpflug; Century Junior High (Forest Lake)—Patricia Cheynne, Ricahrd Hofstede, Glen King, Carol Rupar, Ms. Trampe; Champlin Elementary—Deborah Dille, Geoff Olinyk, Dave Walters, Carol Allen, Mr. Baufield, Kerry Bogenreif, Mrs. Burtness, Karen Gallagher, Ms. Hable, Ryan Holmgren, Bradley Johnson, Vicki Johnson, Amy Kennedy, Steve Lyons, Geoff Olinyk, Mr. Rosenkranz, Clark Sanders, Chris Woodward, Kathy Suski; Chanhassen Elementary—Robin Coleman, Jane Johnson, Jen Ptacek, Janet Snyder, Karen Timmers, Sharon Tupper; Chapel Hill Academy—Mary Stude; Chaska Elementary—Mrs. Johnson, Mrs. Kingdig, Gregory Lange, Mr. Shernock, Darla Work; Chaska High School—Fred Berg, Cheryl Boe, Sharah Boehlke, Chris Cormmers, Jason Pelowski, Christopher Schriever; Chaska Middle School East—Chris Behrens, Mrs. Melius, Jill Wimberger; Chaska Middle School West—Ron Cramer, Nate Delowski, Cullen Nelson; Chelsea Heights Elementary—Mr. Barnes, Ms. Barry, Lynn Bartol, Lynn Blumthal, Ron Johnson, Jodie Krogseng, Ann Linz, Micky Palewicz, Christine Stolz, Diana Swanson, Ms. Young; Cherokee Heights Magnet Elementary—Ms. Otto; Cherry View Elementary—Lynn Dolan, Mrs. Grant, Claudia Nelson, Tina Pearson, Deane Barta, Pat Isbel; Child Garden Montessori—Kathy Sefelt;

Children's Center Montessori—Jean, Lori; Children's Country Day School—Sheila; Chippewa Middle School—Christine Alexander, Keith Anderson, Ms. Carley, Karen Forest, Mrs. Ifkavitch, Judy Klohs, Ms. Nickila, Mrs. Plocher, Ric Seiderkranz, Joseph Thell; Chisago—Katie Hawkins Ahearn; Chisago Lakes Elementary—Jamie Thaler; Chisago Lakes High School—Pat Collins, Jason Mahlen, Peg McCubbin, Diane Spychalla; Chisago Lakes Middle School—Jim Gillach, Linda Guanzini, Lynnett Kutzke, Sally Lundholm, Gloria Peterson, Jim Sauerbry, Paul Swanson; Chosen Valley Elementary—Mary Jasmin; Chosen Valley Elementary—Ms. Mathison; Chosen Valley Elementary—Barb Schroeder; Christ Community Lutheran School—Jeff Boehlke, Barb Laabs, Julie Steinborn, Madeline Strei; Christ Lutheran School—Mark Dobberstein; Christa McAulilffe Elementary—Cindy Belongia; Christ's Household of Fiath—Karin Alsbury, Adella Alsbury, David Behum; Churchill Elementary (Rochester)—Mrs. Stekel; Churchill High School (Winnipeg, Canada)—Neil Dempsey; City of Lakes Waldorf School—Emily McLoury, Ms. Ouellette; Cityview Community School—Melissa Kaiser-Crist, Michael Stokes; Clarkfield Junior High School—Tom Diekman; Clear Springs Elementary—Kaari Cox, Ms. Moret; Clearbrook-Gonvick High School—Jacob Boomgaarden; Clearwater Middle School (Waconia)—Jeff Radel; Cleveland Middle School (St. Paul)—Mary Cathryn Ricker; Cleveland Public School (Cleveland)—Greg Davis; Clinton-Graceville-Beardsley High School—Randy Giles; Cloquet High School—Dan Naslund; Clover Ridge Elementary—Heather Miller, Jeffifer Shinn; Coleraine—Tom Patnaude; College of Saint Benedict—Mara Faulkner, Dale White; College of Saint Catherine—Patricia Eldred, Dale McGowan, Julie Ashland, Aruni Fernando; Colorado Spring—Ann Elrod; Columbia Heights High School—Jim Jungers, Dan Shuck, Kris Svedberg; Columbus Elementary School—Sharon DeRaad; Community of Peace Academy—Tim Danz, Susan Gottlieb, Carrie Eicher; Community/Family Education Center (St. Paul)—Sue Betten; Como Park Elementary—Susan Munion; Como Park High School—Jeff Gosse, Mr. Grebner, Mike Lewis, Roy Magnuson, Sharon Mason; Concord Elementary—Deborah Carroll, Colin Friden, Kari Ingemann, Ms. Koster, Kimberly Moore, Pam Olson, Leslie Stacey, Mrs.

Swanson, Holly Thiede, Rosemary Thiel; Concordia Academy (Roseville)—Dean Dunnavan, Micah Treichel; Concordia College of Bronxville—Mandara Nakhai.

NUCLEAR MEDICINE WEEK

Mr. BOND. Mr. President, I rise today to remind my colleagues that this week, October 3 through October 9, is Nuclear Medicine Week. Nuclear Medicine Week is the first week in October every year and is an annual celebration initiated by the Society of Nuclear Medicine. Each year, Nuclear Medicine Week is celebrated internationally at hospitals, clinics, imaging centers, educational institutions, corporations, and more.

I am particularly proud to note that Dr. Henry Royal, a physician practicing nuclear medicine at the Mallinckrodt Institute of Radiology in St. Louis, is a constituent and immediate-past president of the Society of Nuclear Medicine. The Society of Nuclear Medicine is an international scientific and professional organization of more than 15,000 members dedicated to promoting the science, technology and practical applications of nuclear medicine. I commend him and his colleagues for their outstanding work in the field of nuclear medicine and for their dedication to caring for people with cancer and other serious and life-threatening illnesses that can be diagnosed, managed, and treated with medical isotopes via nuclear medicine procedures.

With nuclear medicine, health care providers can use a safe, noninvasive procedure to gather information about a patient's condition that might otherwise be unavailable or have to be obtained through surgery or more expensive diagnostic tests. Nuclear medicine procedures often identify abnormalities very early in the progression of a disease—long before some medical problems are apparent with other diagnostic tests. This early detection allows a disease to be treated early in its course, when there may be a more successful prognosis.

An estimated 16 million nuclear medicine imaging and therapeutic procedures are performed each year in the United States. Of these, 40 to 50 percent are cardiac exams and 35 to 40 percent are oncology related. Nuclear medicine procedures are among the safest diagnostic imaging tests available. The amount of radiation from a nuclear medicine procedure is comparable to that received during a diagnostic x-ray.

Nuclear medicine tests, also known as scans, examinations, or procedures, are safe and painless. In a nuclear medicine test, small amounts of medical isotopes are introduced into the body by injection, swallowing, or inhalation. A special camera, PET or gamma camera, is then used to take pictures of your body. The camera does this by detecting the medical isotope in the target organ, bone or tissue and thus forming images that provide data and information about that area of your body. This is how nuclear medicine differs from an x-ray, ultrasound or other diagnostic test—it determines the presence of disease based on function rather than anatomy.

Recently, the Centers for Medicare & Medicaid Services' announced its decision to approve coverage of positron emission tomography or PET for Medicare beneficiaries who have suspected Alzheimer's disease. This decision will allow physicians to obtain an early and more definitive diagnosis and to begin treatment at the time when it provides the best chance of prolonging cognitive function for our Medicare beneficiaries. Some of the more frequently performed nuclear medicine procedures include: bone scans to examine orthopedic injuries, fractures, tumors or unexplained bone pain; heart scans to identify normal or abnormal blood flow to the heart muscle, measure heart function or determine the existence or extent of damage to the heart muscle after a heart attack; breast scans that are used in conjunction with mammograms to more accurately detect and locate cancerous tissue in the breasts; liver and gallbladder scans to evaluate liver and gallbladder function; cancer imaging to detect tumors and determine the severity—staging—of various types of cancer; treatment of thyroid diseases and certain types of cancer; brain imaging to investigate problems within the brain itself or in blood circulation to the brain; renal imaging in children to examine kidney function.

Unfortunately, the field of nuclear medicine is not attracting enough incoming students to fill the current demand for nuclear medicine technologists—usually called NMTs. Currently, there is approximately an 18-percent vacancy of NMTs as determined by the American Hospital Association, AHA. By 2010, the Bureau of Labor Statistics, BLS, projects that the U.S. will need an additional 8,000 NMTs to fill the projected demand created by the aging workforce and expanding senior population. Over the next 20 years, the BLS expects that there will be a 140-percent increase in the demand for imaging services. The use of diagnostic imaging services has been increasing by approximately four percent a year, even as the number of certified NMTs and registered radiologic technologists has remained stable. As a result, imaging technologists often work longer shifts, and patients can face weeks of delay for routine exams.

A similar situation is developing for nuclear medicine physicians. According to the American Board of Medical Specialties, there currently are 4,087 certified nuclear medicine physicians in the United States. At the same time, the number of physician training programs is also declining, exacerbating the future shortage.

Over the next 20 years, the number of people over the age of 65 is expected to double at the exact same time when the nation will face shortages of medical personnel—including nurses, NMTs, physicians, laboratory personnel, and other specialists. With an increasing number of people needing specialized care—such as nuclear medicine—coupled with an inadequate workforce, our Nation quickly could face a healthcare crisis of serious proportions with limited access to quality cancer care, particularly in traditionally underserved areas.

I encourage my colleagues to support Nuclear Medicine Week, to support policies such as the newly released CMS decision, and to support increased funding for programs so that our Nation will have a sufficient supply of nuclear medicine physicians and technologists to care for all patients in need of nuclear medicine procedures and related care.

CHIP PROTECTION AND IMPROVEMENT ACT

Mr. CHAFEE. Mr. President, I introduced S. 2759, along with my colleague, Senator ROCKEFELLER, to help States with healthy State Children's Health Insurance programs remain strong, so that they may continue to provide high-quality health care coverage to the children they serve. Our bill achieves this objective by allowing States to keep $1.1 billion in expiring funds in the SCHIP program and continuing current law redistribution rules through 2007.

Concerns have been expressed that S. 2759 would not reallocate SCHIP funds in an effective manner and that States cannot utilize their current SCHIP allotments. Proponents of this view believe the expiring SCHIP funds could be more effectively used for outreach and enrollment in the program. We fully support greater outreach and enrollment, but do not believe that it should come at the expense of providing adequate health insurance to children currently served by the program. In 2003, due to State budget deficits, seven States capped enrollment in their SCHIP. Over the next few years, unless we extend the availability of existing SCHIP funds and target them to the States with the most need, many States will lack adequate funds to meet their existing need, much less enroll more eligible but uninsured children. It is also important to note that ten percent of the amount States spend on coverage can be spent on administrative costs, including outreach. Consequently, an increase in coverage would also increase the funding States have for outreach and enrollment. Moreover, the Robert Wood Johnson Foundation currently provides SCHIP outreach grants to community health centers, hospitals, and faith-based organizations through its Covering Kids & Families Initiative.

Another criticism of S. 2759 deals with the amount of money States will have available in fiscal year 2005.

States and territories will have $10.8 billion available to provide health insurance coverage to children in 2005. It has also been estimated that States will only require $5.3 billion in fiscal year 2005 to provide adequate coverage. Although this is true in the aggregate, this funding figure does not take into account the realities of the existing SCHIP financing system. These excess funds are concentrated in low-spending States that have not utilized their SCHIP allotments in previous years, and they are not available to States facing Federal funding shortfalls. In the absence of a fundamental alteration of the current SCHIP financing system, the aggregate funding in the program is not relevant to critical issue of whether there is adequate funding within specific States.

Lastly, it has been proposed that the Secretary of the Department of Health and Human Services has the authority to redistribute unspent allotments from fiscal year 2002 to States where Federal funding shortfalls are anticipated in fiscal year 2005. While it is encouraging that the concerns of States facing an immediate shortfall in 2005 would be alleviated under this approach, our larger concern about the long-term financial health of the SCHIP in fiscal years 2006 and 2007 persists. Eleven States would receive less in redistributed fiscal year 2002 funds under this proposal than they would otherwise receive, and they would not have access to the $1.07 billion in federal SCHIP funds that are scheduled to expire.

The Children's Health Protection and Improvement Act addresses the long-term Federal funding shortfalls in the SCHIP program over the next 3 years. The Governors of all 50 States have endorsed our proposal and view it as a comprehensive approach to addressing the Federal SCHIP funding shortfalls that will occur prior to the program's reauthorization in fiscal year 2007. We stand ready to work with the Senate leadership and the administration to keep the SCHIP strong so that it may continue to provide critical health care coverage to uninsured children through fiscal year 2007, when a more comprehensive resolution of the formula problems can be explored.

ASSISTIVE TECHNOLOGY ACT OF 2004

Mr. DEWINE. Mr. President, I rise today in support of the Assistive Technology Act of 2004, which passed the Senate last week by unanimous consent on September 30, 2004. I thank Senator GREGG for his commitment to this very important issue and to my colleagues who have spent several months working on this bill.

The Assistive Technology Act is legislation that helps those individuals with disabilities receive the necessary equipment, devices, and services that allow them to live independently, improve their education, or assist with employment opportunities. This program is open to all ages, so it may help the smallest child receive equipment that will help him or her in the classroom or older adults who may need a device to adapt their workspace so they continue on the job.

Many States, such as Ohio, offer many different services to individuals with disabilities. Successful programs—equipment exchange programs and demonstration centers, for example—help ensure that the individual needing assistance is receiving the appropriate equipment to address the obstacle he or she is trying to overcome. Programs like these and the financial loan program help provide everyone in need with the opportunity to receive and purchase the technology and devices necessary to lead productive lives.

This legislation is very important to the millions of individuals with disabilities living in the United States. Again, I thank Senator GREGG and my colleagues on the HELP Committee for working on this issue. I look forward to working with my colleagues on other legislation that will address the needs of individuals with disabilities.

I ask unanimous consent the text of three letters from groups supporting the Assistive Technology Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR CHAIRMAN GREGG AND SENATOR HARKIN: On behalf of the National Association of Assistive Technology Act Programs (ATAP), I am writing to indicate our support for the Senate's passage of HR 4278, a bill to reauthorize the Assistive Technology Act. We understand it will be ''hotlined'' today.

Thank you for your work to bring this process to this point. The bill allows AT programs to continue so that people with disabilities can access assistive technology devices and services. We hope to work with you to make sure that the bill is adequately funded in future appropriations bills so that we can fully realize all of the goals of the bill.

If you have questions or need additional information, please contact Jane West at 202–289–3903 or jwest@wpllc.net.

Sincerely,

DEBORAH BUCK,
Executive Director.

DEAR MR. DEWINE: On behalf of the Association of University Centers on Disabilities (AUCD) I would like to thank you for your leadership and remarkable bi-partisan work on HR 4278, the reauthorization of the Assistive Technology Act. The bill will assist people with disabilities throughout our country who will be able to work more effectively, learn at school and more fully participate in their communities, thanks to their increased access to assistive technologies.

We appreciate the hard work that has gone into every phase of the process of developing and negotiating this vital legislation. We are especially pleased that the bill clearly delineates the authorization of appropriations so that state grants will have defined and equitable minimum allotment levels. We also appreciate the fact that the bill provides flexibility to states to design locally responsive programs while still assuring a focus on activities that will get assistive technology into the hands of the people that need it. We are pleased, as well, that the bill has enhanced provisions for Research and Development efforts.

The network of University Centers for Excellence in Developmental Disabilities represented by AUCD urge you to pass HR 4278 now, and we look forward to working with you as you continue to work to ensure that the future holds nothing but enhancements of the programs and services authorized by this legislation.

Thank you for your support of people with disabilities and families who will now see increased benefits from the vast technological advances the 21st century will bring. And thank you again for your bipartisan work and your leadership.

Sincerely,

GEORGE JESIEN, PH.D.,
Executive Director.

Hon. MIKE DEWINE,
U.S. Senate, Washington, DC.

DEAR SENATOR DEWINE: On behalf of the National Association of Protection and Advocacy Systems (NAPAS) we would like to thank you for your leadership on assistive technology and moving forward with the process of reauthorizing the Assistive Technology Act of 1998. The substitute bill before the Senate ''Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004'' represents a true bipartisan piece of legislation.

The bill is a step forward for the protection and advocacy system. The bill makes the following changes that we support: Establishes a grant to the American Indian Consortium for a Protection and Advocacy for Assistive Technology (PAAT) program; establishes a line item to fund the PAAT program; enables a PAAT program to retain earned income for an additional fiscal year beyond current law and regulation; included language to continue needed training and technical assistance for the PAAT program.

All of these changes to current law will help make the PAAT program consistent with other protection and advocacy programs. We are thankful for the hard work and dedication of you and the staff who have endeavored to improve this program for people with disabilities.

Regrettably, the bill did not contain recommended language to include a provision which would enable the minimum allotments for states and territories to rise when the program receives an appropriations increase.

Thank you very much for working in a bipartisan manner to move this legislation. We look forward to working with you to enact this into law this year. If you would like additional information or have questions, please contact myself or Nadia Facey, Public Policy Analyst, at 202–408–9514.

Sincerely,

MAUREEN FITZGERALD,
President, Board of Directors.
CURTIS L. DECKER,
Executive Director.

ADDITIONAL STATEMENTS

IN CELEBRATION OF THE DEDICATION OF PACIFICA STATE BEACH

● Mrs. BOXER. Mr. President, I take this opportunity to recognize the City of Pacifica for its efforts to renovate and restore Pacifica State Beach.

California's beaches are an integral part of our State's heritage. Whether they are vast expanses of flat, sandy

shores or rocky cliffs overlooking the ocean, California's beaches are diverse and beautiful. People from all over the world come to participate in the myriad activities California's beaches offer. With over a thousand miles of coastline, California is truly a State that thrives on its beaches.

For over 10 years, the City of Pacifica has striven to renovate Pacifica State Beach, which serves as a gateway to Northern California's spectacular coastline. The city has demonstrated a great commitment to protect, enhance and restore the 4 miles of shoreline that define the community. Through the strong leadership of Pacifica Mayor Jim Vreeland and countless other local, State, and Federal representatives, many changes have been made at Pacifica State Beach.

From the restoration of sand dunes and wetlands, to the creation of bike paths, coastal trail paths and a new skate park, to habitat enhancement and new amenities for visitors, the renovation of Pacifica State Beach has been a success. The City of Pacifica has not only understood the importance of protecting and restoring California's fragile coastal areas, its restoration efforts are a model of balancing environmental needs, public access and economic necessities.

The City of Pacifica's dedication to the community is inspiring, and its vision and commitment in protecting California's coastal resources should be commended. I congratulate the City of Pacifica for its hard work, and wish all concerned the best as they dedicate Pacifica State Beach on October 16, 2004.●

TRIBUTE TO MR. GEORGE F. DIXON III

● Mr. VOINOVICH. Mr. President, I rise today to recognize Mr. George F. Dixon III for his exceptional service and leadership to our Nation.

Mr. Dixon is nearing the end of his term as chair of the American Public Transportation Association, the association that represents the North American public transportation industry.

During his chairmanship, Mr. Dixon has been dedicated to supporting the reauthorization of the Transportation Equity Act for the 21st Century, the development of a 5-year strategic plan for APTA, and the oversight of APTA's Public Transportation Partnership for Tomorrow outreach and education program. Mr. Dixon also represented APTA on a trade mission to Russia.

Mr. Dixon, a Cleveland, OH native, has a distinguished history of public service in Northeast Ohio. For example, over the past 10 years, he has brought great improvements to the public transportation system in Cleveland as the President of the Board of the Greater Cleveland Regional Transportation Authority. Mr. Dixon has also served the Cleveland community as a member of the Cleveland School Board for 5 years and as a leader in numerous local organizations including the Greater Cleveland Growth Association, Build up Greater Cleveland, Civic Vision, MidTown Cleveland, and the Convention and Visitors Bureau of Greater Cleveland.

Mr. Dixon is a accomplished leader and someone who, day in and day out, goes above and beyond the call of duty to help people in his community. On behalf of the people of Ohio, I am pleased to commend George F. Dixon, III for his extraordinary efforts to improve the quality of life in Ohio and our Nation, and I congratulate him on a successful term as Chair of the American Public Transportation Association.●

MERLE JOHNSON

● Mrs. BOXER. Mr. President, I am pleased and honored to salute my constituent Merle Johnson, who served America with bravery and distinction behind enemy lines during World War II.

Merle Johnson joined the National Guard in 1939, at age 16. He was mobilized the following year and was sent to Hawaii 2 weeks after the attack on Pearl Harbor.

In October 1942, he was sent to the Solomon Islands with the Army's 25th Infantry Division, which conducted mop-up operations after the Marines' bloody assaults on Guadalcanal and New Georgia Island.

After being wounded in action and recovering on New Caledonia, Merle volunteered to join a unit that would become known to the world as Merrill's Marauders. This elite group of Army Rangers was formed to conduct extremely dangerous top-secret missions behind Japanese enemy lines in Burma.

The Marauders' most famous and important mission was to capture the strategic airfield at Myitkyina, Burma. To accomplish this goal, they had to fight their way for 9 months through more than 600 miles of jungle, surrounded by Japanese troops. By the time they captured the airfield, more than 2,500 of the 3,000 Marauders had been killed, wounded, or struck by illness.

For his valiant service, Merle Johnson was awarded a Purple Heart, three Bronze Stars, three Battle Stars, and a Presidential Unit Citation.

After the war, Mr. Johnson worked on the production line at Rockwell Corporation and as a labor organizer for the steelworkers union. He now lives in Tustin, CA.

Earlier this year, Mr. Johnson represented Merrill's Marauders during the dedication ceremony for the World War II Memorial. This monument now stands as a tribute to Merle Johnson, Merrill's Marauders, and 16 million other brave men and women who served America in World War II.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–9534. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Part 143—Collection of Claims Owed the United States Arising From Activities Under the Commission's Jurisdiction'' (RIN3038–AC03) received on September 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9535. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Part 143—Adjustment of Civil Monetary Penalties for Inflation'' (RIN3038–AC13) received on September 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9536. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Part 30—Foreign Futures and Foreign Options Transactions'' (RIN3038–AB45) received on September 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9537. A communication from the Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Child and Adult Care Food Program: Improving Management and Program Integrity'' (RIN0584–AC24) received on September 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9538. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus Thuringiensis var. aiza strain PS811 (Cry1F Insecticidal Protein); Exemption from the Requirement of a Tolerance'' (FRL#7372–6) received on September 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9539. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyzzofamid; Pesticide Tolerance'' (FRL#7367–4) received on September 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9540. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dichlormid; Time-Limited Pesticide Tolerances'' (FRL#7680–8) received on September 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9541. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Forchlorfenuron; Pesticide Tolerance'' (FRL#7681–5) received on September 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9542. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mesotrione; Pesticide Tolerances for Emergency Exemptions'' (FRL#7678–8) received on September 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9543. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant

to law, the report of a rule entitled ''Octanal; Exemption from the Requirement of a Tolerance'' (FRL#7678–7) received on September 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9544. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sodium Thiosulfate; Exemption from the Requirement of a Tolerance'' (FRL#7677–1) received on September 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9545. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–9546. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–9547. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–9548. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–9549. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–9550. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–9551. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to proposed test and evaluation (T&E) budgets that are not certified by the Director of the Defense Test Resource Management Center (TRMC) to be adequate; to the Committee on Armed Services.

EC–9552. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the 2003 Annual Report of the Securities Investor Protection Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC–9553. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Retention of Excess Income in the Section 236 Program'' (RIN2502–AH68) received on September 29, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9554. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Suspension, Debarment, Limited Denial of Participation'' (RIN2501–AC81) received on September 29, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9555. A communication from the Export-Import Bank of the United States, transmitting, pursuant to law, the report of a transaction involving exports to the State of Qatar; to the Committee on Banking, Housing, and Urban Affairs.

EC–9556. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Removal of Mid-Range Procurement Procedures'' (RIN2700–AD02) received on September 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9557. A communication from the Acting Director, Statutory Import Programs Staff, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Changes in the Insular Possessions Watch and Jewelry Programs'' (RIN0625–AA65) received on September 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9558. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of Directed Fishing for Pollock in Statistical Area 630 in the Gulf of Alaska'' received on September 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9559. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of Directed Fishing for Pollock in Statistical Area 620 in the Gulf of Alaska (C-season)'' received on September 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9560. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of Non-Community Development Quota Pollock with Trawl Gear in the Chinook Salmon Savings Area of the BSAI Management Area'' received on September 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9561. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of Flathead Sole in the Bering Sea and Aleutian Islands Management Area'' received on September 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9562. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of Fishing for Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska'' received on September 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9563. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Recreational Fishery; Fishing Year 2004; New York Measures'' (RIN0648–AQ82) received on September 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9564. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #10—Adjustments of the Recreational Fishery from the U.S.-Canada Border to Cape Falcon, Oregon'' received on September 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9565. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #9—Adjustment of the Commercial Salmon Fishery from Humbug Mountain, Oregon to the Oregon-California Border'' received on September 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9566. A communication from the Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of Directed Fishing for Pollock in Statistical Area 610 of the Gulf of Alaska'' received on September 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9567. A communication from the Trial Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Civil Penalties'' (RIN2127–AJ32) received on September 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9568. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of the Department of Energy's intention to inter into a five-year contract with Mountain State Energy Technology Applications, Incorporated; to the Committee on Energy and Natural Resources.

EC–9569. A communication from the Inspector General, Nuclear Regulatory Commission, transmitting, pursuant to law, the Inspector General's report for Fiscal Year 2004 Commercial and Inherently Governmental Activities for the Commission; to the Committee on Environment and Public Works.

EC–9570. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Annual Report to Congress on Implementation of Public Law 106–107''; to the Committee on Environment and Public Works.

EC–9571. A communication from the Chairman, Tennessee Valley Authority, transmitting, pursuant to law, a report relative to the issues the Authority needs to address in order to prepare for a competitive electricity wholesale market in the Tennessee Valley; to the Committee on Environment and Public Works.

EC–9572. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Longmont Recised Carbon Monoxide Plan'' (FRL#7822–3) received on September 29, 2004; to the Committee on Environment and Public Works.

EC–9573. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Northern Engraving Environmental Cooperative Agreement'' (FRL#7632–2) received on September 29, 2004; to the Committee on Environment and Public Works.

EC–9574. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production'' (FRL#7812–8) received on September 29, 2004; to the Committee on Environment and Public Works.

EC–9575. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Nebraska: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL#7823–8) received on September 29, 2004; to the Committee on Environment and Public Works.

EC–9576. A communication from the Assistant Secretary for Fish and wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2004–05 Late Season'' (RIN1018–AT53) received on September 29, 2004; to the Committee on Environment and Public Works.

EC–9577. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Modification of Exemption from Tax for Small Property and Casualty Insurance Companies'' (Notice 2004–64) received on September 29, 2004; to the Committee on Finance.

EC–9578. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Certain Reinsurance Arrangements'' (Notice 2004–65) received on September 29, 2004; to the Committee on Finance.

EC–9579. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Australia; to the Committee on Foreign Relations.

EC–9580. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report that the termination of assistance and the application of sanctions to Libya would have a serious adverse effect on vital United States interests; to the Committee on Foreign Relations.

EC–9581. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Canada; to the Committee on Foreign Relations.

EC–9582. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Germany; to the Committee on Foreign Relations.

EC–9583. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to India; to the Committee on Foreign Relations.

EC–9584. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the prohibition on military assistance provided for in the Act for the Republic of the Congo; to the Committee on Foreign Relations.

EC–9585. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–9586. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Chief Financial Officer, Corporation for National and Community Service, received on September 29, 2004; to the Committee on Governmental Affairs.

EC–9587. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled ''Comparative Analysis of Actual Cash Collections to Revised Revenue Estimates Through the 3rd Quarter of Fiscal Year 2004''; to the Committee on Governmental Affairs.

EC–9588. A communication from the Assistant Secretary for Policy, Management, and Budget, Department of the Interior, transmitting, pursuant to law, a report relative to grants streamlining and standardization; to the Committee on Governmental Affairs.

EC–9589. A communication from the Administrator, Office of Workforce Security, Employment and Training Administration, transmitting, pursuant to law, the report of a rule entitled ''Unemployment Insurance Program Letter: SUTA Dumping—Amendments to Federal Law Affecting the Federal-State Unemployment Compensation Program'' (UIPL30–04) received on September 29, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–9590. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on September 29, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–9591. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Fiduciary Responsibility Under the Employee Retirement Income Security Act of 1974; Automatic Rollover Safe Harbor'' (RIN1210–AA92) received on September 29, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–9592. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Change of Names and Addresses; Technical Amendment'' (Doc. No. 2004N–0287) received on September 29, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–9593. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Change of Names and Addresses; Technical Amendment; Correction'' (Doc. No. 2004N–0287) received on September 29, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–9594. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, transmitting, pursuant to law, the report of a rule entitled ''Exemption from Import/Export Requirements for Personal Medical Use'' (RIN1117–AA56) received on September 9, 2004; to the Committee on the Judiciary.

EC–9595. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Presidential Inaugural Committee Reporting and Prohibition on Accepting Donations from Foreign Nationals'' received on September 29, 2004; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

S. 2688. A bill to provide for a report of Federal entities without annually audited financial statements (Rept. No. 108–383).

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2686. A bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act (Rept. No. 108-384).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

H.R. 867. A bill for the relief of Durreshahwar Durreshahwar, Nida Hasan, Asna Hasan, Anum Hasan, and Iqra Hasan.

S. 115. A bill for the relief of Richi James Lesley.

S. 353. A bill for the relief of Denes and Gyorgyi Fulop.

S. 1042. A bill for the relief of Tchisou Tho.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1635. A bill to amend the Immigration and Nationality Act to ensure the integrity of the L–1 visa for intracompany transferees.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1784. A bill to eliminate the safe-harbor exception for certain packaged pseudoephedrine products used in the manufacture of methamphetamine.

S. 2012. A bill for the relief of Luay Lufti Hadad.

S. 2044. A bill for the relief of Alemseghed Mussie Tesfamical.

S. 2089. A bill to allow aliens who are eligible for diversity visas to be eligible beyond the fiscal year in which they applied.

S. 2314. A bill for the relief of Nabil Raja Dandan, Ketty Dandan, Souzi Dandan, Raja Nabil Dandan, and Sandra Dandan.

S. 2331. A bill for the relief of Fereshteh Sani.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH for the Committee on the Judiciary.

Susan Bieke Neilson, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Christopher A. Boyko, of Ohio, to be United States District Judge for the Northern District of Ohio.

Beryl A. Howell, of the District of Columbia, to be a Member of the United States Sentencing Commission for the remainder of the term expiring October 31, 2005.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. MIKULSKI (for herself and Mr. KENNEDY):

S. 2885. A bill to build capacity at community colleges in order to meet increased demand for community college education while

maintaining the affordable tuition rates and the open-door policy that are the hallmarks of the community college system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND:

S. 2886. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain hazard mitigation assistance; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. LEAHY, and Mr. LAUTENBERG):

S. Res. 446. A resolution honoring former President James Earl (Jimmy) Carter on the occasion of his 80th birthday; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1784

At the request of Mrs. FEINSTEIN, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1784, a bill to eliminate the safe-harbor exception for certain packaged pseudoephedrine products used in the manufacture of methamphetamine.

S. 2395

At the request of Mr. CONRAD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2395, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 2425

At the request of Mr. BYRD, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 2425, a bill to amend the Tariff Act of 1930 to allow for improved administration of new shipper administrative reviews.

S. 2553

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2553, a bill to amend title XVIII of the Social Security Act to provide for coverage of screening ultrasound for abdominal aortic aneurysms under part B of the medicare program.

S. 2568

At the request of Mr. BIDEN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2587

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2587, a bill to amend title XVIII of the Social Security Act to adjust the amount of payment under the physician fee schedule for drug administration services furnished to medicare beneficiaries.

S. 2613

At the request of Mr. HAGEL, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2613, a bill to amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, and local public health agencies.

S. 2718

At the request of Mr. DEWINE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2718, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 2744

At the request of Mr. SUNUNU, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Indiana (Mr. BAYH), the Senator from Illinois (Mr. DURBIN), the Senator from Nevada (Mr. ENSIGN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2744, a bill to authorize the minting and issuance of a Presidential $1 coin series.

S. 2759

At the request of Mr. ROCKEFELLER, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2759, a bill to amend title XXI of the Social Security Act to modify the rules relating to the availability and method of redistribution of unexpended SCHIP allotments, and for other purposes.

S. 2831

At the request of Mr. SMITH, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2831, a bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to clarify that federally recognized Indian tribal governments are to be regulated under the same government employer rules and procedures that apply to Federal, State, and other local government employers with regard to the establishment and maintenance of employee benefit plans.

S. 2845

At the request of Ms. COLLINS, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

S. 2856

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2856, a bill to limit the transfer of certain Commodity Credit Corporation funds between conservation programs for technical assistance for the programs.

S. CON. RES. 78

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Con. Res. 78, a concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

S. CON. RES. 136

At the request of Mr. CONRAD, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Georgia (Mr. MILLER), the Senator from Oregon (Mr. WYDEN), the Senator from Oklahoma (Mr. NICKLES), the Senator from Michigan (Ms. STABENOW), the Senator from Louisiana (Mr. BREAUX) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Con. Res. 136, a concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93.

S. RES. 420

At the request of Mr. PRYOR, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Res. 420, a resolution recommending expenditures for an appropriate visitors center at Little Rock Central High School National Historic Site to commemorate the desegregation of Little Rock Central High School.

S. RES. 430

At the request of Mr. HATCH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 430, a resolution designating November 2004 as ''National Runaway Prevention Month''.

AMENDMENT NO. 3845

At the request of Mr. BYRD, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 3845 proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

AMENDMENT NO. 3890

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 3890 proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

AMENDMENT NO. 3891

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 3891 proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

AMENDMENT NO. 3893

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 3893 proposed to S.

2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

AMENDMENT NO. 3908

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 3908 proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI (for herself and Mr. KENNEDY):

S. 2885. A bill to build capacity at community colleges in order to meet increased demand for community college education while maintaining the affordable tuition rates and the open-door policy that are the hallmarks of the community college system; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, I rise to introduce the ''Community College Opportunity Act.'' Community colleges are the gateway to the future for first time students looking for an affordable college education, and for mid-career students looking to get ahead in the workplace. As college tuition at four-year colleges continues to rise, more and more students are turning to community colleges for the education they need to prepare for 21st century jobs.

Yet soon we may not be able to count on our community colleges being available to everyone. The combination of budget cuts and increased enrollments is forcing community colleges to make tough choices between raising tuition and turning students away. This important legislation will help keep the doors of our community colleges open to increasing numbers of students without sending tuition through the roof. My bill authorizes $100 million for a competitive grant program to help community colleges serve more students. Community colleges could apply for a grant to help with the cost of constructing or renovating facilities, hiring faculty, purchasing new computers and scientific equipment, and investing in creative ways of addressing overcrowding—like distance learning.

Why is this important? Community colleges are one of the great American social inventions. I used to teach night school at Baltimore City Community College. I know firsthand the vital role they play in our communities. Their low cost, convenient location, and open door admissions policy have made them the key to the American dream for so many. Many generations of immigrants pursued the American dream by working all day and going to school at night. After World War II, the GI bill gave returning veterans a chance to get ahead by going to local junior colleges.

Now, more than ever, it's important to invest in community colleges. In the next ten years, 40 percent of new jobs will require college education. At the same time, college tuition is on the rise. Tuition at the University of Maryland is up by as much as 21 percent. That's causing many students to take a second look at community colleges because they're more affordable. They're also leaders in training workers for 21st century jobs from nurses to computer techies, and even lab techs for new industries, like biotechnology. They're playing a key role in addressing shortages in nursing and teaching. In Maryland, community colleges train 55 percent of new nurses.

Yet our community colleges are bursting at the seams. They're growing faster than 4-year colleges. Enrollment at Maryland's community colleges is expected to grow 30 percent in the next 10 years, while 4-year colleges will grow by 15 percent. Community colleges are holding classes from 7 in the morning to 10 at night, on weekends, and over the internet. In my own state of Maryland, they are starting to turn students away because there isn't enough room. As many as 2000 students were shut out of Montgomery College last year because they couldn't get into the classes they needed or they couldn't afford the cost. Last fall, Prince George's Community College had to turn away 630 prospective nursing students and 1,000 prospective education students.

It's great that so many Americans are going to community colleges. For so many Americans, community colleges are the only way to get the education they need to be competitive for 21st century jobs. Yet the rapid increase of students is threatening the very mission of community colleges. If we want a world-class workforce, we need to invest in higher education. We need to make sure we have always institutions available to everyone who wants a college degree or just a couple of courses. That means investing in our community colleges, so they can continue to be affordable, accessible, and successful at training the next generation of nurses, teachers, and techies.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMUNITY COLLEGE CAPACITY-BUILDING GRANT PROGRAM.

Title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.) is amended—

(1) by redesignating part F as part G; and

(2) by inserting after part E the following:

''PART F—COMMUNITY COLLEGES

''SEC. 371. COMMUNITY COLLEGE CAPACITY-BUILDING GRANT PROGRAM.

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—From amounts appropriated under section 399(a)(6) for a fiscal year, the Secretary shall award grants to eligible entities, on a competitive basis, for the purpose of building capacity at community colleges to meet the increased demand for community colleges while maintaining the affordable tuition rates and the open-door policy that are the hallmarks of the community college system.

''(2) DURATION.—Grants awarded under this section shall be for a period not to exceed 3 years.

''(b) DEFINITIONS.—In this section:

''(1) COMMUNITY COLLEGE.—The term 'community college' means a public institution of higher education (as defined in section 101(a)) whose highest degree awarded is predominantly the associate degree.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a community college, or a consortium of 2 or more community colleges, that demonstrates capacity challenges at not less than 1 of the community colleges in the eligible entity, such as—

''(A) an identified workforce shortage in the community served by the community college that will be addressed by increased enrollment at the community college;

''(B) a wait list for a class or for a degree or a certificate program;

''(C) a faculty shortage;

''(D) a significant enrollment growth;

''(E) a significant projected enrollment growth;

''(F) an increase in the student-faculty ratio;

''(G) a shortage of laboratory space or equipment;

''(H) a shortage of computer equipment and technology;

''(I) out-of-date computer equipment and technology;

''(J) a decrease in State or county funding or a related budget shortfall; or

''(K) another demonstrated capacity shortfall.

''(c) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require by regulation.

''(d) AWARD BASIS.—In awarding grants under subsection (a), the Secretary shall take into consideration—

''(1) the relative need for assistance under this section of the community colleges;

''(2) the probable impact and overall quality of the proposed activities on the capacity problem of the community college;

''(3) providing an equitable geographic distribution of grant funds under this section throughout the United States and among urban, suburban, and rural areas of the United States; and

''(4) providing an equitable distribution among small, medium, and large community colleges.

''(e) USE OF FUNDS.—Grant funds provided under subsection (a) may be used for activities that expand community college capacity, including—

''(1) the construction, maintenance, renovation, and improvement of classroom, library, laboratory, and other instructional facilities;

''(2) the purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional research purposes;

''(3) the development, improvement, or expansion of technology;

''(4) preparation and professional development of faculty;

''(5) recruitment, hiring, and retention of faculty;

''(6) curriculum development and academic instruction;

''(7) the purchase of library books, periodicals, and other educational materials, including telecommunications program material;

''(8) the joint use of facilities, such as laboratories and libraries; or

''(9) the development of partnerships with local businesses to increase community college capacity.

''SEC. 372. APPLICABILITY.

''The provisions of part G shall not apply to this part.''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 399(a) of the Higher Education Act of 1965 (20 U.S.C. 1068h(a)) is amended by adding at the end the following:

''(6) PART F.—There are authorized to be appropriated to carry out part F, $100,000,000 for fiscal year 2005, and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

By Mr. BOND:

S. 2886. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain hazard mitigation assistance; to the Committee on Finance.

Mr. BOND. Mr. President, I rise today to introduce legislation concerning a critical issue this year—disaster assistance. This has been one of the worst hurricane seasons that Florida has seen in recent years. The Sunshine State has been battered by four hurricanes in the past six weeks. I extend my deepest sympathies to the residents of Florida where some have had to evacuate more than three times during this hurricane season only to return home and find their homes leveled, their crops uprooted, their neighborhoods flooded, and their dreams shattered.

In my home State of Missouri, we are no strangers to natural disasters. Located smack in the middle of Tornado Alley, Missouri has been hit by some of the largest storms in U.S. in history. In May of 2003, a string of tornadoes ripped through the western part of the State causing major damage and devastation.

With two rivers—the Mississippi and the Missouri—we have also seen our fair share of flooding through the years. I will never forget when the Mississippi River breached its banks in 1993—one of the most devastating floods in U.S. history. Of the nine Midwestern States affected, the State of Missouri was the hardest hit and State officials estimate that damages totaled $3 billion.

While both the Mississippi and Missouri Rivers have made the State of Missouri susceptible to riverine flooding, the State is also susceptible to flash flooding. A case in point is the city of Union, located about 45 minutes from St. Louis, which suffered tremendous damage from a severe flash flood in May of 2000.

I mention the city of Union as a specific example of the benefits that a disaster mitigation program can hold in flash-flood situations. After the flood, the City of Union applied to the State of Missouri Emergency Management Agency to seek help in a demolition and acquisition project. With the mitigation grant money, 17 properties were acquired in residential areas with substantial damage. These properties are now dead restricted for ''open space,'' which will prevent future development and the potential for flash flood related deaths in that area because many of the homes and people will no longer be in harm's way. This is an excellent example of the value of disaster and mitigation money invested by the federal, state and local governments.

Over the years, the State of Missouri has worked with the Federal Emergency Management Agency (FEMA) to build structures that prevent flooding and other damage from occurring when natural disasters strike. Time and time again, FEMA has come to the rescue by establishing funding for disaster relief and mitigation activities within the State of Missouri and in other States across the country.

Having served as the Chairman of the Senate Appropriations Subcommittee on VA, HUD, and Independent Agencies, which until recently oversaw FEMA, I know first hand the value of the agency's disaster mitigation grant programs—the Hazards Mitigation Grant Program (HGMP), the Pre-Disaster Mitigation program (PDM), and the Flood Mitigation Assistance (FMA) program. Designed to manage future emergencies, these programs have been essential to countless communities, and without them, thousands of lives would be in jeopardy.

Recently, some very disturbing news was brought to my attention. According to a June 2004 legal memorandum issued by the Internal Revenue Service (IRS), FEMA mitigation grants may be subject to income taxation. While some may argue that this is merely the IRS's interpretation of the statute, it is clearly the position the IRS intends to take against American taxpayers whose only recourse will be to fight the agency in court.

I must say that I am absolutely stunned by this determination by the IRS!! How in the world could the IRS possibly think that Congress intended to tax these types of grants to prevent natural disasters, especially when we went out of our way to ensure that disaster-relief payments to individuals recovering from a hurricane, flood, tornado or other natural disaster are not subject to income taxes?

Today, I am offering a bill that will stop the IRS in its tracks and prevent the taxation of disaster mitigation grants. This language will ensure that any Federal grants, as well as state grants indirectly associated with this program, will not be deemed to be income by the IRS's tortured reasoning. This bill will be effective as of the beginning of this year to ensure that any grants currently out there, especially in light of the current hurricanes that have happened, are not subject to tax. In addition, there should be no inference by this legislation that Congress intended such grants to be taxable prior to the effective date of this legislation.

Why is this important? Why am I out here today? Because the Missouri and Mississippi Rivers rise, because tornadoes will ravage through the state once again, and because flash flooding can decimate an entire community. The last thing Americans who are working to prevent such potential destruction need is for government-grant funding to be subject to tax. My bill ensures that such taxes do not see the light of day.

I urge my colleagues to support this important legislation, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 2886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION FROM GROSS INCOME FOR CERTAIN DISASTER MITIGATION PAYMENTS.

(a) IN GENERAL.—Section 139 of the Internal Revenue Code of 1986 (relating to disaster relief payments) is amended by adding at the end the following new subsection:

''(g) CERTAIN DISASTER MITIGATION PAYMENTS.—Gross income shall not include the value of any amount received directly or indirectly as payment or benefit by the owner of any property for hazard mitigation with respect to the property pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act or the National Flood Insurance Act.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending on or after December 31, 2004.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 446—HONORING FORMER PRESIDENT JAMES EARL (JIMMY) CARTER ON THE OCCASION OF HIS 80TH BIRTHDAY

Mr. REID (for himself, Mr. LEAHY, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 446

Whereas Jimmy Carter was born in Plains, Georgia, on October 1, 1924;

Whereas Jimmy Carter attended Georgia Southwestern College and the Georgia Institute of Technology, and received a B.S. degree from the United States Naval Academy in 1946;

Whereas Jimmy Carter served honorably as a submariner in the United States Navy in both the Atlantic and Pacific fleets, working under Admiral Hyman Rickover in the development of the nuclear submarine program;

Whereas Jimmy Carter continued his commitment to public service, serving as Georgia State Senator and Governor of Georgia;

Whereas Jimmy Carter was elected the 39th President of the United States on November 2, 1976;

Whereas Jimmy Carter created both the Departments of Education and Energy and implemented major education policies and a comprehensive national energy program;

Whereas Jimmy Carter oversaw deregulation of the airline, energy, and banking industries;

Whereas Jimmy Carter promoted human rights as a tenet of American foreign policy and pressed nations to uphold basic human rights;

Whereas Jimmy Carter furthered diplomatic relations with the People's Republic of China;

Whereas Jimmy Carter was instrumental in the negotiation and signing of the Camp David Accord between Israel and Egypt, signaling a new era of peace between those 2 countries;

Whereas Jimmy Carter has continued his service to his country since leaving the Presidency by championing safe and affordable housing, human rights, and disease prevention;

Whereas Jimmy Carter remains actively committed to promoting peace and democracy abroad, supervising elections in fledgling democracies, and helping to defuse international crises in North Korea, Somalia, and Haiti; ''his decades of untiring effort to find peaceful solutions to international conflicts, to advance democracy and human rights, and to promote economic and social development''; and

Now, therefore, be it

Resolved, That the Senate honors former President Jimmy Carter on the occasion of his 80th birthday and extends best wishes to him and his family.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3950. Ms. COLLINS (for herself and Mr. LIEBERMAN) proposed an amendment to amendment SA 3705 proposed by Ms. COLLINS (for herself, Mr. CARPER, and Mr. LIEBERMAN) to the bill S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

SA 3951. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3724 proposed by Mr. KYL (for himself, Mr. CORNYN, Mr. CHAMBLISS, and Mr. NICKLES) to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3952. Mr. LIEBERMAN (for Mr. KENNEDY) submitted an amendment intended to be proposed by Mr. LIEBERMAN to the bill S. 2845, supra.

SA 3953. Mr. GRAHAM, of Florida submitted an amendment intended to be proposed to amendment SA 3941 submitted by Mr. GRAHAM of Florida and intended to be proposed to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3954. Ms. COLLINS (for Mr. LOTT) submitted an amendment intended to be proposed by Ms. COLLINS to the bill H.R. 5122, to amend the Congressional Accountability Act of 1995 to permit members of the Board of Directors of the Office of Compliance to serve for 2 terms.

SA 3955. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes; which was ordered to lie on the table.

SA 3956. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2845, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3950. Ms. COLLINS (for herself and Mr. LIEBERMAN) proposed an amendment to amendment SA 3705 proposed by Ms. COLLINS (for herself, Mr. CARPER, and Mr. LIEBERMAN) to the bill S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes; as follows:

On page 5, after line 2, insert the following:

(7) Grant programs under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121–5206.).

On page 10, line 17, strike the semicolon and all that follows through page 11, line 7, and insert a period.

On page 12, line 5, strike ''(5)'' and insert ''(6)''.

On page 12, lines 17 through 20, strike ''technical assistance provided by any Federal agency to States and local governments to conduct threat analyses and vulnerability assessments'' and insert ''technical assistance provided by any Federal agency to States and local governments regarding homeland security matters''.

On page 18, line 9, insert ''secure'' after ''for''.

On page 23, line 18, insert ''on the basis of terrorist threat'' after ''grant''.

On page 25, line 24, insert ''on the basis of terrorist threat'' after ''distribute''.

SA 3951. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3724 proposed by Mr. KYL (for himself, Mr. CORNYN, Mr. CHAMBLISS, and Mr. NICKLES) to the bill S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

DIVISION ___—ADVANCING JUSTICE THROUGH DNA TECHNOLOGY

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Division may be cited as the ''Advancing Justice Through DNA Technology Act of 2004''.

(b) TABLE OF CONTENTS.—The table of contents of this Division is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DEBBIE SMITH ACT OF 2004

Sec. 101. Short title.
Sec. 102. Debbie Smith DNA Backlog Grant Program.
Sec. 103. Expansion of Combined DNA Index System.
Sec. 104. Tolling of statute of limitations.
Sec. 105. Legal assistance for victims of violence.
Sec. 106. Ensuring private laboratory assistance in eliminating DNA backlog.

TITLE II—DNA SEXUAL ASSAULT JUSTICE ACT OF 2004

Sec. 201. Short title.
Sec. 202. Ensuring public crime laboratory compliance with Federal standards.
Sec. 203. DNA training and education for law enforcement, correctional personnel, and court officers.
Sec. 204. Sexual assault forensic exam program grants.
Sec. 205. DNA research and development.
Sec. 206. National Forensic Science Commission.
Sec. 207. FBI DNA programs.
Sec. 208. DNA identification of missing persons.
Sec. 209. Enhanced criminal penalties for unauthorized disclosure or use of DNA information.
Sec. 210. Tribal coalition grants.
Sec. 211. Expansion of Paul Coverdell Forensic Science Improvement Grant Program.
Sec. 212. Report to Congress.

TITLE III—INNOCENCE PROTECTION ACT OF 2004

Sec. 301. Short title.

Subtitle A—Exonerating the Innocent Through DNA Testing

Sec. 311. Federal post-conviction DNA testing.
Sec. 312. Kirk Bloodsworth Post-Conviction DNA Testing Grant Program.
Sec. 313. Incentive grants to States to ensure consideration of claims of actual innocence.

Subtitle B—Improving the Quality of Representation in State Capital Cases

Sec. 321. Capital representation improvement grants.
Sec. 322. Capital prosecution improvement grants.
Sec. 323. Applications.
Sec. 324. State reports.
Sec. 325. Evaluations by Inspector General and administrative remedies.
Sec. 326. Authorization of appropriations.

Subtitle C—Compensation for the Wrongfully Convicted

Sec. 331. Increased compensation in Federal cases for the wrongfully convicted.
Sec. 332. Sense of Congress regarding compensation in State death penalty cases.

TITLE I—DEBBIE SMITH ACT OF 2004

SEC. 101. SHORT TITLE.

This title may be cited as the ''Debbie Smith Act of 2004''.

SEC. 102. DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

(a) DESIGNATION OF PROGRAM; ELIGIBILITY OF LOCAL GOVERNMENTS AS GRANTEES.—Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) by amending the heading to read as follows:

''SEC. 2. THE DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''or units of local government'' after ''eligible States''; and

(ii) by inserting ''or unit of local government'' after ''State'';

(B) in paragraph (2), by inserting before the period at the end the following: '', including samples from rape kits, samples from other sexual assault evidence, and samples taken in cases without an identified suspect''; and

(C) in paragraph (3), by striking ''within the State'';

(3) in subsection (b)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''or unit of local government'' after ''State'' both places that term appears; and

(ii) by inserting '', as required by the Attorney General'' after ''application shall'';

(B) in paragraph (1), by inserting ''or unit of local government'' after ''State'';

(C) in paragraph (3), by inserting ''or unit of local government'' after ''State'' the first place that term appears;

(D) in paragraph (4)—

(i) by inserting ''or unit of local government'' after ''State''; and

(ii) by striking ''and'' at the end;

(E) in paragraph (5)—

(i) by inserting ''or unit of local government'' after ''State''; and

(ii) by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

''(6) if submitted by a unit of local government, certify that the unit of local government has taken, or is taking, all necessary steps to ensure that it is eligible to include, directly or through a State law enforcement agency, all analyses of samples for which it has requested funding in the Combined DNA Index System; and'';

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''The plan'' and inserting ''A plan pursuant to subsection (b)(1)'';

(ii) in subparagraph (A), by striking ''within the State''; and

(iii) in subparagraph (B), by striking ''within the State''; and

(B) in paragraph (2)(A), by inserting ''and units of local government'' after ''States'';

(5) in subsection (e)—

(A) in paragraph (1), by inserting ''or local government'' after ''State'' both places that term appears; and

(B) in paragraph (2), by inserting ''or unit of local government'' after ''State'';

(6) in subsection (f), in the matter preceding paragraph (1), by inserting ''or unit of local government'' after ''State'';

(7) in subsection (g)—

(A) in paragraph (1), by inserting ''or unit of local government'' after ''State''; and

(B) in paragraph (2), by inserting ''or units of local government'' after ''States''; and

(8) in subsection (h), by inserting ''or unit of local government'' after ''State'' both places that term appears.

(b) REAUTHORIZATION AND EXPANSION OF PROGRAM.—Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by inserting ''(1) or'' before ''(2)''; and

(B) by inserting at the end the following:

''(4) To collect DNA samples specified in paragraph (1).

''(5) To ensure that DNA testing and analysis of samples from crimes, including sexual assault and other serious violent crimes, are carried out in a timely manner.'';

(2) in subsection (b), as amended by this section, by inserting at the end the following:

''(7) specify that portion of grant amounts that the State or unit of local government shall use for the purpose specified in subsection (a)(4).'';

(3) by amending subsection (c) to read as follows:

''(c) FORMULA FOR DISTRIBUTION OF GRANTS.—

''(1) IN GENERAL.—The Attorney General shall distribute grant amounts, and establish appropriate grant conditions under this section, in conformity with a formula or formulas that are designed to effectuate a distribution of funds among eligible States and units of local government that—

''(A) maximizes the effective utilization of DNA technology to solve crimes and protect public safety; and

''(B) allocates grants among eligible entities fairly and efficiently to address jurisdictions in which significant backlogs exist, by considering—

''(i) the number of offender and casework samples awaiting DNA analysis in a jurisdiction;

''(ii) the population in the jurisdiction; and

''(iii) the number of part 1 violent crimes in the jurisdiction.

''(2) MINIMUM AMOUNT.—The Attorney General shall allocate to each State not less than 0.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.125 percent of the total appropriation.

''(3) LIMITATION.—Grant amounts distributed under paragraph (1) shall be awarded to conduct DNA analyses of samples from casework or from victims of crime under subsection (a)(2) in accordance with the following limitations:

''(A) For fiscal year 2005, not less than 50 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).

''(B) For fiscal year 2006, not less than 50 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).

''(C) For fiscal year 2007, not less than 45 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).

''(D) For fiscal year 2008, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).

''(E) For fiscal year 2009, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).'';

(4) in subsection (g)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) a description of the priorities and plan for awarding grants among eligible States and units of local government, and how such plan will ensure the effective use of DNA technology to solve crimes and protect public safety.'';

(5) in subsection (j), by striking paragraphs (1) and (2) and inserting the following:

''(1) $151,000,000 for fiscal year 2005;

''(2) $151,000,000 for fiscal year 2006;

''(3) $151,000,000 for fiscal year 2007;

''(4) $151,000,000 for fiscal year 2008; and

''(5) $151,000,000 for fiscal year 2009.''; and

(6) by adding at the end the following:

''(k) USE OF FUNDS FOR ACCREDITATION AND AUDITS.—The Attorney General may distribute not more than 1 percent of the grant amounts under subsection (j)—

''(1) to States or units of local government to defray the costs incurred by laboratories operated by each such State or unit of local government in preparing for accreditation or reaccreditation;

''(2) in the form of additional grants to States, units of local government, or nonprofit professional organizations of persons actively involved in forensic science and nationally recognized within the forensic science community—

''(A) to defray the costs of external audits of laboratories operated by such State or unit of local government, which participates in the National DNA Index System, to determine whether the laboratory is in compliance with quality assurance standards;

''(B) to assess compliance with any plans submitted to the National Institute of Justice, which detail the use of funds received by States or units of local government under this Act; and

''(C) to support future capacity building efforts; and

''(3) in the form of additional grants to nonprofit professional associations actively involved in forensic science and nationally recognized within the forensic science community to defray the costs of training persons who conduct external audits of laboratories operated by States and units of local government and which participate in the National DNA Index System.

''(l) EXTERNAL AUDITS AND REMEDIAL EFFORTS.—In the event that a laboratory operated by a State or unit of local government which has received funds under this Act has undergone an external audit conducted to determine whether the laboratory is in compliance with standards established by the Director of the Federal Bureau of Investigation, and, as a result of such audit, identifies measures to remedy deficiencies with respect to the compliance by the laboratory with such standards, the State or unit of local government shall implement any such remediation as soon as practicable.''.

SEC. 103. EXPANSION OF COMBINED DNA INDEX SYSTEM.

(a) INCLUSION OF ALL DNA SAMPLES FROM STATES.—Section 210304 of the DNA Identification Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1), by striking ''of persons convicted of crimes;'' and inserting the following: ''of—

''(A) persons convicted of crimes;

''(B) persons who have been charged in an indictment or information with a crime; and

''(C) other persons whose DNA samples are collected under applicable legal authorities, provided that DNA profiles from arrestees who have not been charged in an indictment or information with a crime, and DNA samples that are voluntarily submitted solely for elimination purposes shall not be included in the Combined DNA Index System;''; and

(2) in subsection (d)(2)—

(A) by striking ''if the responsible agency'' and inserting''if—

''(i) the responsible agency'';

(B) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(ii) the person has not been convicted of an offense on the basis of which that analysis was or could have been included in the index, and all charges for which the analysis was or could have been included in the index have been dismissed or resulted in acquittal.''.

(b) FELONS CONVICTED OF FEDERAL CRIMES.—Section 3(d) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)) is amended to read as follows:

''(d) QUALIFYING FEDERAL OFFENSES.—The offenses that shall be treated for purposes of this section as qualifying Federal offenses are the following offenses, as determined by the Attorney General:

''(1) Any felony.

''(2) Any offense under chapter 109A of title 18, United States Code.

''(3) Any crime of violence (as that term is defined in section 16 of title 18, United States Code).

''(4) Any attempt or conspiracy to commit any of the offenses in paragraphs (1) through (3).''.

(c) MILITARY OFFENSES.—Section 1565(d) of title 10, United States Code, is amended to read as follows:

''(d) QUALIFYING MILITARY OFFENSES.—The offenses that shall be treated for purposes of this section as qualifying military offenses are the following offenses, as determined by the Secretary of Defense, in consultation with the Attorney General:

''(1) Any offense under the Uniform Code of Military Justice for which a sentence of confinement for more than one year may be imposed.

''(2) Any other offense under the Uniform Code of Military Justice that is comparable to a qualifying Federal offense (as determined under section 3(d) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d))).''.

(d) KEYBOARD SEARCHES.—Section 210304 of the DNA Identification Act of 1994 (42 U.S.C. 14132), as amended by subsection (a), is further amended by adding at the end the following new subsection:

''(e) AUTHORITY FOR KEYBOARD SEARCHES.—

''(1) IN GENERAL.—The Director shall ensure that any person who is authorized to access the index described in subsection (a) for

purposes of including information on DNA identification records or DNA analyses in that index may also access that index for purposes of carrying out a one-time keyboard search on information obtained from any DNA sample lawfully collected for a criminal justice purpose except for a DNA sample voluntarily submitted solely for elimination purposes.

''(2) DEFINITION.—For purposes of paragraph (1), the term 'keyboard search' means a search under which information obtained from a DNA sample is compared with information in the index without resulting in the information obtained from a DNA sample being included in the index.

''(3) NO PREEMPTION.—This subsection shall not be construed to preempt State law.''.

SEC. 104. TOLLING OF STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''§ 3297. Cases involving DNA evidence

''In a case in which DNA testing implicates an identified person in the commission of a felony, except for a felony offense under chapter 109A, no statute of limitations that would otherwise preclude prosecution of the offense shall preclude such prosecution until a period of time following the implication of the person by DNA testing has elapsed that is equal to the otherwise applicable limitation period.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''3297. Cases involving DNA evidence.''.

(c) APPLICATION.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this section if the applicable limitation period has not yet expired.

SEC. 105. LEGAL ASSISTANCE FOR VICTIMS OF VIOLENCE.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended—

(1) in subsection (a), by inserting ''dating violence,'' after ''domestic violence,'';

(2) in subsection (b)—

(A) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively;

(B) by inserting before paragraph (2), as redesignated by subparagraph (A), the following:

''(1) DATING VIOLENCE.—The term 'dating violence' means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of—

''(A) the length of the relationship;

''(B) the type of relationship; and

''(C) the frequency of interaction between the persons involved in the relationship.''; and

(C) in paragraph (3), as redesignated by subparagraph (A), by inserting ''dating violence,'' after ''domestic violence,'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting '', dating violence,'' after ''between domestic violence''; and

(ii) by inserting ''dating violence,'' after ''victims of domestic violence,'';

(B) in paragraph (2), by inserting ''dating violence,'' after ''domestic violence,''; and

(C) in paragraph (3), by inserting ''dating violence,'' after ''domestic violence,'';

(4) in subsection (d)—

(A) in paragraph (1), by inserting '', dating violence,'' after ''domestic violence'';

(B) in paragraph (2), by inserting '', dating violence,'' after ''domestic violence'';

(C) in paragraph (3), by inserting '', dating violence,'' after ''domestic violence''; and

(D) in paragraph (4), by inserting ''dating violence,'' after ''domestic violence,'';

(5) in subsection (e), by inserting ''dating violence,'' after ''domestic violence,''; and

(6) in subsection (f)(2)(A), by inserting ''dating violence,'' after ''domestic violence,''.

SEC. 106. ENSURING PRIVATE LABORATORY ASSISTANCE IN ELIMINATING DNA BACKLOG.

Section 2(d)(3) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(d)(3)) is amended to read as follows:

''(3) USE OF VOUCHERS OR CONTRACTS FOR CERTAIN PURPOSES.—

''(A) IN GENERAL.—A grant for the purposes specified in paragraph (1), (2), or (5) of subsection (a) may be made in the form of a voucher or contract for laboratory services, even if the laboratory makes a reasonable profit for the services.

''(B) REDEMPTION.—A voucher or contract under subparagraph (A) may be redeemed at a laboratory operated on a nonprofit or forprofit basis, by a private entity that satisfies quality assurance standards and has been approved by the Attorney General.

''(C) PAYMENTS.—The Attorney General may use amounts authorized under subsection (j) to make payments to a laboratory described under subparagraph (B).''.

TITLE II—DNA SEXUAL ASSAULT JUSTICE ACT OF 2004

SEC. 201. SHORT TITLE.

This title may be cited as the ''DNA Sexual Assault Justice Act of 2004''.

SEC. 202. ENSURING PUBLIC CRIME LABORATORY COMPLIANCE WITH FEDERAL STANDARDS.

Section 210304(b)(2) of the DNA Identification Act of 1994 (42 U.S.C. 14132(b)(2)) is amended to read as follows:

''(2) prepared by laboratories that—

''(A) not later than 2 years after the date of enactment of the DNA Sexual Assault Justice Act of 2004, have been accredited by a nonprofit professional association of persons actively involved in forensic science that is nationally recognized within the forensic science community; and

''(B) undergo external audits, not less than once every 2 years, that demonstrate compliance with standards established by the Director of the Federal Bureau of Investigation; and''.

SEC. 203. DNA TRAINING AND EDUCATION FOR LAW ENFORCEMENT, CORRECTIONAL PERSONNEL, AND COURT OFFICERS.

(a) IN GENERAL.—The Attorney General shall make grants to provide training, technical assistance, education, and information relating to the identification, collection, preservation, analysis, and use of DNA samples and DNA evidence by—

(1) law enforcement personnel, including police officers and other first responders, evidence technicians, investigators, and others who collect or examine evidence of crime;

(2) court officers, including State and local prosecutors, defense lawyers, and judges;

(3) forensic science professionals; and

(4) corrections personnel, including prison and jail personnel, and probation, parole, and other officers involved in supervision.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $12,500,000 for each of fiscal years 2005 through 2009 to carry out this section.

SEC. 204. SEXUAL ASSAULT FORENSIC EXAM PROGRAM GRANTS.

(a) IN GENERAL.—The Attorney General shall make grants to eligible entities to provide training, technical assistance, education, equipment, and information relating to the identification, collection, preservation, analysis, and use of DNA samples and DNA evidence by medical personnel and other personnel, including doctors, medical examiners, coroners, nurses, victim service providers, and other professionals involved in treating victims of sexual assault and sexual assault examination programs, including SANE (Sexual Assault Nurse Examiner), SAFE (Sexual Assault Forensic Examiner), and SART (Sexual Assault Response Team).

(b) ELIGIBLE ENTITY.—For purposes of this section, the term ''eligible entity'' includes—

(1) States;

(2) units of local government; and

(3) sexual assault examination programs, including—

(A) sexual assault nurse examiner (SANE) programs;

(B) sexual assault forensic examiner (SAFE) programs;

(C) sexual assault response team (SART) programs;

(D) State sexual assault coalitions;

(E) medical personnel, including doctors, medical examiners, coroners, and nurses, involved in treating victims of sexual assault; and

(F) victim service providers involved in treating victims of sexual assault.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $30,000,000 for each of fiscal years 2005 through 2009 to carry out this section.

SEC. 205. DNA RESEARCH AND DEVELOPMENT.

(a) IMPROVING DNA TECHNOLOGY.—The Attorney General shall make grants for research and development to improve forensic DNA technology, including increasing the identification accuracy and efficiency of DNA analysis, decreasing time and expense, and increasing portability.

(b) DEMONSTRATION PROJECTS.—The Attorney General shall make grants to appropriate entities under which research is carried out through demonstration projects involving coordinated training and commitment of resources to law enforcement agencies and key criminal justice participants to demonstrate and evaluate the use of forensic DNA technology in conjunction with other forensic tools. The demonstration projects shall include scientific evaluation of the public safety benefits, improvements to law enforcement operations, and cost-effectiveness of increased collection and use of DNA evidence.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 for each of fiscal years 2005 through 2009 to carry out this section.

SEC. 206. NATIONAL FORENSIC SCIENCE COMMISSION.

(a) APPOINTMENT.—The Attorney General shall appoint a National Forensic Science Commission (in this section referred to as the ''Commission''), composed of persons experienced in criminal justice issues, including persons from the forensic science and criminal justice communities, to carry out the responsibilities under subsection (b).

(b) RESPONSIBILITIES.—The Commission shall—

(1) assess the present and future resource needs of the forensic science community;

(2) make recommendations to the Attorney General for maximizing the use of forensic technologies and techniques to solve crimes and protect the public;

(3) identify potential scientific advances that may assist law enforcement in using forensic technologies and techniques to protect the public;

(4) make recommendations to the Attorney General for programs that will increase the

number of qualified forensic scientists available to work in public crime laboratories;

(5) disseminate, through the National Institute of Justice, best practices concerning the collection and analyses of forensic evidence to help ensure quality and consistency in the use of forensic technologies and techniques to solve crimes and protect the public;

(6) examine additional issues pertaining to forensic science as requested by the Attorney General;

(7) examine Federal, State, and local privacy protection statutes, regulations, and practices relating to access to, or use of, stored DNA samples or DNA analyses, to determine whether such protections are sufficient;

(8) make specific recommendations to the Attorney General, as necessary, to enhance the protections described in paragraph (7) to ensure—

(A) the appropriate use and dissemination of DNA information;

(B) the accuracy, security, and confidentiality of DNA information;

(C) the timely removal and destruction of obsolete, expunged, or inaccurate DNA information; and

(D) that any other necessary measures are taken to protect privacy; and

(9) provide a forum for the exchange and dissemination of ideas and information in furtherance of the objectives described in paragraphs (1) through (8).

(c) PERSONNEL; PROCEDURES.—The Attorney General shall—

(1) designate the Chair of the Commission from among its members;

(2) designate any necessary staff to assist in carrying out the functions of the Commission; and

(3) establish procedures and guidelines for the operations of the Commission.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 for each of fiscal years 2005 through 2009 to carry out this section.

SEC. 207. FBI DNA PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Bureau of Investigation $42,100,000 for each of fiscal years 2005 through 2009 to carry out the DNA programs and activities described under subsection (b).

(b) PROGRAMS AND ACTIVITIES.—The Federal Bureau of Investigation may use any amounts appropriated pursuant to subsection (a) for—

(1) nuclear DNA analysis;

(2) mitochondrial DNA analysis;

(3) regional mitochondrial DNA laboratories;

(4) the Combined DNA Index System;

(5) the Federal Convicted Offender DNA Program; and

(6) DNA research and development.

SEC. 208. DNA IDENTIFICATION OF MISSING PERSONS.

(a) IN GENERAL.—The Attorney General shall make grants to promote the use of forensic DNA technology to identify missing persons and unidentified human remains.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for each of fiscal years 2005 through 2009 to carry out this section.

SEC. 209. ENHANCED CRIMINAL PENALTIES FOR UNAUTHORIZED DISCLOSURE OR USE OF DNA INFORMATION.

Section 10(c) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135e(c)) is amended to read as follows:

''(c) CRIMINAL PENALTY.—A person who knowingly discloses a sample or result described in subsection (a) in any manner to any person not authorized to receive it, or obtains or uses, without authorization, such sample or result, shall be fined not more than $100,000. Each instance of disclosure, obtaining, or use shall constitute a separate offense under this subsection.''.

SEC. 210. TRIBAL COALITION GRANTS.

(a) IN GENERAL.—Section 2001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is amended by adding at the end the following:

''(d) TRIBAL COALITION GRANTS.—

''(1) PURPOSE.—The Attorney General shall award grants to tribal domestic violence and sexual assault coalitions for purposes of—

''(A) increasing awareness of domestic violence and sexual assault against American Indian and Alaska Native women;

''(B) enhancing the response to violence against American Indian and Alaska Native women at the tribal, Federal, and State levels; and

''(C) identifying and providing technical assistance to coalition membership and tribal communities to enhance access to essential services to American Indian women victimized by domestic and sexual violence.

''(2) GRANTS TO TRIBAL COALITIONS.—The Attorney General shall award grants under paragraph (1) to—

''(A) established nonprofit, nongovernmental tribal coalitions addressing domestic violence and sexual assault against American Indian and Alaska Native women; and

''(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against American Indian and Alaska Native women.

''(3) ELIGIBILITY FOR OTHER GRANTS.—Receipt of an award under this subsection by tribal domestic violence and sexual assault coalitions shall not preclude the coalition from receiving additional grants under this title to carry out the purposes described in subsection (b).''.

(b) TECHNICAL AMENDMENT.—Effective as of November 2, 2002, and as if included therein as enacted, Public Law 107–273 (116 Stat. 1789) is amended in section 402(2) by striking ''sections 2006 through 2011'' and inserting ''sections 2007 through 2011''.

(c) AMOUNTS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (as redesignated by section 402(2) of Public Law 107–273, as amended by subsection (b)) is amended by amending subsection (b)(4) (42 U.S.C. 3796gg–1(b)(4)) to read as follows:

''(4) 1/54 shall be available for grants under section 2001(d);''.

SEC. 211. EXPANSION OF PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANT PROGRAM.

(a) FORENSIC BACKLOG ELIMINATION GRANTS.—Section 2804 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797m) is amended—

(1) in subsection (a)—

(A) by striking ''shall use the grant to carry out'' and inserting ''shall use the grant to do any one or more of the following:

''(1) To carry out''; and

(B) by adding at the end the following:

''(2) To eliminate a backlog in the analysis of forensic science evidence, including firearms examination, latent prints, toxicology, controlled substances, forensic pathology, questionable documents, and trace evidence.

''(3) To train, assist, and employ forensic laboratory personnel, as needed, to eliminate such a backlog.'';

(2) in subsection (b), by striking ''under this part'' and inserting ''for the purpose set forth in subsection (a)(1)''; and

(3) by adding at the end the following:

''(e) BACKLOG DEFINED.—For purposes of this section, a backlog in the analysis of forensic science evidence exists if such evidence—

''(1) has been stored in a laboratory, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility; and

''(2) has not been subjected to all appropriate forensic testing because of a lack of resources or personnel.''.

(b) EXTERNAL AUDITS.—Section 2802 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797k) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) a certification that a government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of the forensic results committed by employees or contractors of any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility in the State that will receive a portion of the grant amount.''.

(c) THREE-YEAR EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(24) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(24)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(G) $20,000,000 for fiscal year 2007;

''(H) $20,000,000 for fiscal year 2008; and

''(I) $20,000,000 for fiscal year 2009.''.

(d) TECHNICAL AMENDMENT.—Section 1001(a) of such Act, as amended by subsection (c), is further amended by realigning paragraphs (24) and (25) so as to be flush with the left margin.

SEC. 212. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the implementation of this Division and the amendments made by this Division.

(b) CONTENTS.—The report submitted under subsection (a) shall include a description of—

(1) the progress made by Federal, State, and local entities in—

(A) collecting and entering DNA samples from offenders convicted of qualifying offenses for inclusion in the Combined DNA Index System (referred to in this subsection as ''CODIS'');

(B) analyzing samples from crime scenes, including evidence collected from sexual assaults and other serious violent crimes, and entering such DNA analyses in CODIS; and

(C) increasing the capacity of forensic laboratories to conduct DNA analyses;

(2) the priorities and plan for awarding grants among eligible States and units of local government to ensure that the purposes of this Division are carried out;

(3) the distribution of grant amounts under this Division among eligible States and local governments, and whether the distribution of such funds has served the purposes of the Debbie Smith DNA Backlog Grant Program;

(4) grants awarded and the use of such grants by eligible entities for DNA training and education programs for law enforcement, correctional personnel, court officers, medical personnel, victim service providers, and other personnel authorized under sections 203 and 204;

(5) grants awarded and the use of such grants by eligible entities to conduct DNA

research and development programs to improve forensic DNA technology, and implement demonstration projects under section 205;

(6) the steps taken to establish the National Forensic Science Commission, and the activities of the Commission under section 206;

(7) the use of funds by the Federal Bureau of Investigation under section 207;

(8) grants awarded and the use of such grants by eligible entities to promote the use of forensic DNA technology to identify missing persons and unidentified human remains under section 208;

(9) grants awarded and the use of such grants by eligible entities to eliminate forensic science backlogs under the amendments made by section 211;

(10) State compliance with the requirements set forth in section 313; and

(11) any other matters considered relevant by the Attorney General.

TITLE III—INNOCENCE PROTECTION ACT OF 2004

SEC. 301. SHORT TITLE.

This title may be cited as the ''Innocence Protection Act of 2004''.

Subtitle A—Exonerating the Innocent Through DNA Testing

SEC. 311. FEDERAL POST-CONVICTION DNA TESTING.

(a) FEDERAL CRIMINAL PROCEDURE.—

(1) IN GENERAL.—Part II of title 18, United States Code, is amended by inserting after chapter 228 the following:

''CHAPTER 228A—POST-CONVICTION DNA TESTING

''Sec.
''3600. DNA testing.
''3600A. Preservation of biological evidence.

''§ 3600. DNA testing

''(a) IN GENERAL.—Upon a written motion by an individual under a sentence of imprisonment or death pursuant to a conviction for a Federal offense (referred to in this section as the 'applicant'), the court that entered the judgment of conviction shall order DNA testing of specific evidence if—

''(1) the applicant asserts, under penalty of perjury, that the applicant is actually innocent of—

''(A) the Federal offense for which the applicant is under a sentence of imprisonment or death; or

''(B) another Federal or State offense, if—

''(i)(I) such offense was legally necessary to make the applicant eligible for a sentence as a career offender under section 3559(c) or an armed career offender under section 924(e), and exoneration of such offense would entitle the applicant to a reduced sentence; or

''(II) evidence of such offense was admitted during a Federal death sentencing hearing and exoneration of such offense would entitle the applicant to a reduced sentence or new sentencing hearing; and

''(ii) in the case of a State offense—

''(I) the applicant demonstrates that there is no adequate remedy under State law to permit DNA testing of the specified evidence relating to the State offense; and

''(II) to the extent available, the applicant has exhausted all remedies available under State law for requesting DNA testing of specified evidence relating to the State offense;

''(2) the specific evidence to be tested was secured in relation to the investigation or prosecution of the Federal or State offense referenced in the applicant's assertion under paragraph (1);

''(3) the specific evidence to be tested—

''(A) was not previously subjected to DNA testing and the applicant did not—

''(i) knowingly and voluntarily waive the right to request DNA testing of that evidence in a court proceeding after the date of enactment of the Innocence Protection Act of 2004; or

''(ii) knowingly fail to request DNA testing of that evidence in a prior motion filed under this section; or

''(B) was previously subjected to DNA testing and the applicant is requesting DNA testing using a new method or technology that is substantially more probative than the prior DNA testing;

''(4) the specific evidence to be tested is in the possession of the Government and has been subject to a chain of custody and retained under conditions sufficient to ensure that such evidence has not been substituted, contaminated, tampered with, replaced, or altered in any respect material to the proposed DNA testing;

''(5) the proposed DNA testing is reasonable in scope, uses scientifically sound methods, and is consistent with accepted forensic practices;

''(6) the applicant identifies a theory of defense that—

''(A) is not inconsistent with an affirmative defense presented at trial; and

''(B) would establish the actual innocence of the applicant of the Federal or State offense referenced in the applicant's assertion under paragraph (1);

''(7) if the applicant was convicted following a trial, the identity of the perpetrator was at issue in the trial;

''(8) the proposed DNA testing of the specific evidence—

''(A) would produce new material evidence to support the theory of defense referenced in paragraph (6); and

''(B) assuming the DNA test result excludes the applicant, would raise a reasonable probability that the applicant did not commit the offense;

''(9) the applicant certifies that the applicant will provide a DNA sample for purposes of comparison; and

''(10) the applicant's motion is filed for the purpose of demonstrating the applicant's actual innocence of the Federal or State offense, and not to delay the execution of the sentence or the administration of justice.

''(b) NOTICE TO THE GOVERNMENT; PRESERVATION ORDER; APPOINTMENT OF COUNSEL.—

''(1) NOTICE.—Upon the receipt of a motion filed under subsection (a), the court shall—

''(A) notify the Government; and

''(B) allow the Government a reasonable time period to respond to the motion.

''(2) PRESERVATION ORDER.—To the extent necessary to carry out proceedings under this section, the court shall direct the Government to preserve the specific evidence relating to a motion under subsection (a).

''(3) APPOINTMENT OF COUNSEL.—The court may appoint counsel for an indigent applicant under this section in the same manner as in a proceeding under section 3006A(a)(2)(B).

''(c) TESTING PROCEDURES.—

''(1) IN GENERAL.—The court shall direct that any DNA testing ordered under this section be carried out by the Federal Bureau of Investigation.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the court may order DNA testing by another qualified laboratory if the court makes all necessary orders to ensure the integrity of the specific evidence and the reliability of the testing process and test results.

''(3) COSTS.—The costs of any DNA testing ordered under this section shall be paid—

''(A) by the applicant; or

''(B) in the case of an applicant who is indigent, by the Government.

''(d) TIME LIMITATION IN CAPITAL CASES.—In any case in which the applicant is sentenced to death—

''(1) any DNA testing ordered under this section shall be completed not later than 60 days after the date on which the Government responds to the motion filed under subsection (a); and

''(2) not later than 120 days after the date on which the DNA testing ordered under this section is completed, the court shall order any post-testing procedures under subsection (f) or (g), as appropriate.

''(e) REPORTING OF TEST RESULTS.—

''(1) IN GENERAL.—The results of any DNA testing ordered under this section shall be simultaneously disclosed to the court, the applicant, and the Government.

''(2) NDIS.—The Government shall submit any test results relating to the DNA of the applicant to the National DNA Index System (referred to in this subsection as 'NDIS').

''(3) RETENTION OF DNA SAMPLE.—

''(A) ENTRY INTO NDIS.—If the DNA test results obtained under this section are inconclusive or show that the applicant was the source of the DNA evidence, the DNA sample of the applicant may be retained in NDIS.

''(B) MATCH WITH OTHER OFFENSE.—If the DNA test results obtained under this section exclude the applicant as the source of the DNA evidence, and a comparison of the DNA sample of the applicant results in a match between the DNA sample of the applicant and another offense, the Attorney General shall notify the appropriate agency and preserve the DNA sample of the applicant.

''(C) NO MATCH.—If the DNA test results obtained under this section exclude the applicant as the source of the DNA evidence, and a comparison of the DNA sample of the applicant does not result in a match between the DNA sample of the applicant and another offense, the Attorney General shall destroy the DNA sample of the applicant and ensure that such information is not retained in NDIS if there is no other legal authority to retain the DNA sample of the applicant in NDIS.

''(f) POST-TESTING PROCEDURES; INCONCLUSIVE AND INCULPATORY RESULTS.—

''(1) INCONCLUSIVE RESULTS.—If DNA test results obtained under this section are inconclusive, the court may order further testing, if appropriate, or may deny the applicant relief.

''(2) INCULPATORY RESULTS.—If DNA test results obtained under this section show that the applicant was the source of the DNA evidence, the court shall—

''(A) deny the applicant relief; and

''(B) on motion of the Government—

''(i) make a determination whether the applicant's assertion of actual innocence was false, and, if the court makes such a finding, the court may hold the applicant in contempt;

''(ii) assess against the applicant the cost of any DNA testing carried out under this section;

''(iii) forward the finding to the Director of the Bureau of Prisons, who, upon receipt of such a finding, may deny, wholly or in part, the good conduct credit authorized under section 3632 on the basis of that finding;

''(iv) if the applicant is subject to the jurisdiction of the United States Parole Commission, forward the finding to the Commission so that the Commission may deny parole on the basis of that finding; and

''(v) if the DNA test results relate to a State offense, forward the finding to any appropriate State official.

''(3) SENTENCE.—In any prosecution of an applicant under chapter 79 for false assertions or other conduct in proceedings under this section, the court, upon conviction of the applicant, shall sentence the applicant to a term of imprisonment of not less than 3 years, which shall run consecutively to any

other term of imprisonment the applicant is serving.

''(g) POST-TESTING PROCEDURES; MOTION FOR NEW TRIAL OR RESENTENCING.—

''(1) IN GENERAL.—Notwithstanding any law that would bar a motion under this paragraph as untimely, if DNA test results obtained under this section exclude the applicant as the source of the DNA evidence, the applicant may file a motion for a new trial or resentencing, as appropriate. The court shall establish a reasonable schedule for the applicant to file such a motion and for the Government to respond to the motion.

''(2) STANDARD FOR GRANTING MOTION FOR NEW TRIAL OR RESENTENCING.—The court shall grant the motion of the applicant for a new trial or resentencing, as appropriate, if the DNA test results, when considered with all other evidence in the case (regardless of whether such evidence was introduced at trial), establish by a preponderance of the evidence that a new trial would result in an acquittal of—

''(A) in the case of a motion for a new trial, the Federal offense for which the applicant is under a sentence of imprisonment or death; and

''(B) in the case of a motion for resentencing, another Federal or State offense, if—

''(i) such offense was legally necessary to make the applicant eligible for a sentence as a career offender under section 3559(c) or an armed career offender under section 924(e), and exoneration of such offense would entitle the applicant to a reduced sentence; or

''(ii) evidence of such offense was admitted during a Federal death sentencing hearing and exoneration of such offense would entitle the applicant to a reduced sentence or a new sentencing proceeding.

''(h) OTHER LAWS UNAFFECTED.—

''(1) POST-CONVICTION RELIEF.—Nothing in this section shall affect the circumstances under which a person may obtain DNA testing or post-conviction relief under any other law.

''(2) HABEAS CORPUS.—Nothing in this section shall provide a basis for relief in any Federal habeas corpus proceeding.

''(3) NOT A MOTION UNDER SECTION 2255.—A motion under this section shall not be considered to be a motion under section 2255 for purposes of determining whether the motion or any other motion is a second or successive motion under section 2255.

''§ 3600A. Preservation of biological evidence

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Government shall preserve biological evidence that was secured in the investigation or prosecution of a Federal offense, if a defendant is under a sentence of imprisonment for such offense.

''(b) DEFINED TERM.—For purposes of this section, the term 'biological evidence' means—

''(1) a sexual assault forensic examination kit; or

''(2) semen, blood, saliva, hair, skin tissue, or other identified biological material.

''(c) APPLICABILITY.—Subsection (a) shall not apply if—

''(1) a court has denied a request or motion for DNA testing of the biological evidence by the defendant under section 3600, and no appeal is pending;

''(2) the defendant knowingly and voluntarily waived the right to request DNA testing of the biological evidence in a court proceeding conducted after the date of enactment of the Innocence Protection Act of 2004;

''(3) the defendant is notified after conviction that the biological evidence may be destroyed and the defendant does not file a motion under section 3600 within 180 days of receipt of the notice;

''(4)(A) the evidence must be returned to its rightful owner, or is of such a size, bulk, or physical character as to render retention impracticable; and

''(B) the Government takes reasonable measures to remove and preserve portions of the material evidence sufficient to permit future DNA testing; or

''(5) the biological evidence has already been subjected to DNA testing under section 3600 and the results included the defendant as the source of such evidence.

''(d) OTHER PRESERVATION REQUIREMENT.—Nothing in this section shall preempt or supersede any statute, regulation, court order, or other provision of law that may require evidence, including biological evidence, to be preserved.

''(e) REGULATIONS.—Not later than 180 days after the date of enactment of the Innocence Protection Act of 2004, the Attorney General shall promulgate regulations to implement and enforce this section, including appropriate disciplinary sanctions to ensure that employees comply with such regulations.

''(f) CRIMINAL PENALTY.—Whoever knowingly and intentionally destroys, alters, or tampers with biological evidence that is required to be preserved under this section with the intent to prevent that evidence from being subjected to DNA testing or prevent the production or use of that evidence in an official proceeding, shall be fined under this title, imprisoned for not more than 5 years, or both.

''(g) HABEAS CORPUS.—Nothing in this section shall provide a basis for relief in any Federal habeas corpus proceeding.''.

(2) CLERICAL AMENDMENT.—The chapter analysis for part II of title 18, United States Code, is amended by inserting after the item relating to chapter 228 the following:

''228A. Post-conviction DNA testing ... 3600''.

(b) SYSTEM FOR REPORTING MOTIONS.—

(1) ESTABLISHMENT.—The Attorney General shall establish a system for reporting and tracking motions filed in accordance with section 3600 of title 18, United States Code.

(2) OPERATION.—In operating the system established under paragraph (1), the Federal courts shall provide to the Attorney General any requested assistance in operating such a system and in ensuring the accuracy and completeness of information included in that system.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit a report to Congress that contains—

(A) a list of motions filed under section 3600 of title 18, United States Code, as added by this Division;

(B) whether DNA testing was ordered pursuant to such a motion;

(C) whether the applicant obtained relief on the basis of DNA test results; and

(D) whether further proceedings occurred following a granting of relief and the outcome of such proceedings.

(4) ADDITIONAL INFORMATION.—The report required to be submitted under paragraph (3) may include any other information the Attorney General determines to be relevant in assessing the operation, utility, or costs of section 3600 of title 18, United States Code, as added by this Division, and any recommendations the Attorney General may have relating to future legislative action concerning that section.

(c) EFFECTIVE DATE; APPLICABILITY.—This section and the amendments made by this section shall take effect on the date of enactment of this Act and shall apply with respect to any offense committed, and to any judgment of conviction entered, before, on, or after that date of enactment.

SEC. 312. KIRK BLOODSWORTH POST-CONVICTION DNA TESTING GRANT PROGRAM.

(a) IN GENERAL.—The Attorney General shall establish the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program to award grants to States to help defray the costs of post-conviction DNA testing.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2005 through 2009 to carry out this section.

(c) STATE DEFINED.—For purposes of this section, the term ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

SEC. 313. INCENTIVE GRANTS TO STATES TO ENSURE CONSIDERATION OF CLAIMS OF ACTUAL INNOCENCE.

For each of fiscal years 2005 through 2009, all funds appropriated to carry out sections 203, 205, 208, and 312 shall be reserved for grants to eligible entities that—

(1) meet the requirements under section 203, 205, 208, or 312, as appropriate; and

(2) demonstrate that the State in which the eligible entity operates—

(A) provides post-conviction DNA testing of specified evidence—

(i) under a State statute enacted before the date of enactment of this Act (or extended or renewed after such date), to persons convicted after trial and under a sentence of imprisonment or death for a State felony offense, in a manner that ensures a reasonable process for resolving claims of actual innocence; or

(ii) under a State statute enacted after the date of enactment of this Act, or under a State rule, regulation, or practice, to persons under a sentence of imprisonment or death for a State felony offense, in a manner comparable to section 3600(a) of title 18, United States Code (provided that the State statute, rule, regulation, or practice may make post-conviction DNA testing available in cases in which such testing is not required by such section), and if the results of such testing exclude the applicant, permits the applicant to apply for post-conviction relief, notwithstanding any provision of law that would otherwise bar such application as untimely; and

(B) preserves biological evidence secured in relation to the investigation or prosecution of a State offense—

(i) under a State statute or a State or local rule, regulation, or practice, enacted or adopted before the date of enactment of this Act (or extended or renewed after such date), in a manner that ensures that reasonable measures are taken by all jurisdictions within the State to preserve such evidence; or

(ii) under a State statute or a State or local rule, regulation, or practice, enacted or adopted after the date of enactment of this Act, in a manner comparable to section 3600A of title 18, United States Code, if—

(I) all jurisdictions within the State comply with this requirement; and

(II) such jurisdictions may preserve such evidence for longer than the period of time that such evidence would be required to be preserved under such section 3600A.

Subtitle B—Improving the Quality of Representation in State Capital Cases

SEC. 321. CAPITAL REPRESENTATION IMPROVEMENT GRANTS.

(a) IN GENERAL.—The Attorney General shall award grants to States for the purpose of improving the quality of legal representation provided to indigent defendants in State capital cases.

(b) DEFINED TERM.—In this section, the term ''legal representation'' means legal

counsel and investigative, expert, and other services necessary for competent representation.

(c) USE OF FUNDS.—Grants awarded under subsection (a)—

(1) shall be used to establish, implement, or improve an effective system for providing competent legal representation to—

(A) indigents charged with an offense subject to capital punishment;

(B) indigents who have been sentenced to death and who seek appellate or collateral relief in State court; and

(C) indigents who have been sentenced to death and who seek review in the Supreme Court of the United States; and

(2) shall not be used to fund, directly or indirectly, representation in specific capital cases.

(d) EFFECTIVE SYSTEM.—As used in subsection (c)(1), an effective system for providing competent legal representation is a system that—

(1) invests the responsibility for appointing qualified attorneys to represent indigents in capital cases—

(A) in a public defender program that relies on staff attorneys, members of the private bar, or both, to provide representation in capital cases;

(B) in an entity established by statute or by the highest State court with jurisdiction in criminal cases, which is composed of individuals with demonstrated knowledge and expertise in capital representation; or

(C) pursuant to a statutory procedure enacted before the date of the enactment of this Act under which the trial judge is required to appoint qualified attorneys from a roster maintained by a State or regional selection committee or similar entity; and

(2) requires the program described in paragraph (1)(A), the entity described in paragraph (1)(B), or an appropriate entity designated pursuant to the statutory procedure described in paragraph (1)(C), as applicable, to—

(A) establish qualifications for attorneys who may be appointed to represent indigents in capital cases;

(B) establish and maintain a roster of qualified attorneys;

(C) except in the case of a selection committee or similar entity described in paragraph (1)(C), assign 2 attorneys from the roster to represent an indigent in a capital case, or provide the trial judge a list of not more than 2 pairs of attorneys from the roster, from which 1 pair shall be assigned, provided that, in any case in which the State elects not to seek the death penalty, a court may find, subject to any requirement of State law, that a second attorney need not remain assigned to represent the indigent to ensure competent representation;

(D) conduct, sponsor, or approve specialized training programs for attorneys representing defendants in capital cases;

(E) monitor the performance of attorneys who are appointed and their attendance at training programs, and remove from the roster attorneys who fail to deliver effective representation or who fail to comply with such requirements as such program, entity, or selection committee or similar entity may establish regarding participation in training programs; and

(F) ensure funding for the cost of competent legal representation by the defense team and outside experts selected by counsel, who shall be compensated—

(i) in the case of a State that employs a statutory procedure described in paragraph (1)(C), in accordance with the requirements of that statutory procedure; and

(ii) in all other cases, as follows:

(I) Attorneys employed by a public defender program shall be compensated according to a salary scale that is commensurate with the salary scale of the prosecutor's office in the jurisdiction.

(II) Appointed attorneys shall be compensated for actual time and service, computed on an hourly basis and at a reasonable hourly rate in light of the qualifications and experience of the attorney and the local market for legal representation in cases reflecting the complexity and responsibility of capital cases.

(III) Non-attorney members of the defense team, including investigators, mitigation specialists, and experts, shall be compensated at a rate that reflects the specialized skills needed by those who assist counsel with the litigation of death penalty cases.

(IV) Attorney and non-attorney members of the defense team shall be reimbursed for reasonable incidental expenses.

SEC. 322. CAPITAL PROSECUTION IMPROVEMENT GRANTS.

(a) IN GENERAL.—The Attorney General shall award grants to States for the purpose of enhancing the ability of prosecutors to effectively represent the public in State capital cases.

(b) USE OF FUNDS.—

(1) PERMITTED USES.—Grants awarded under subsection (a) shall be used for one or more of the following:

(A) To design and implement training programs for State and local prosecutors to ensure effective representation in State capital cases.

(B) To develop and implement appropriate standards and qualifications for State and local prosecutors who litigate State capital cases.

(C) To assess the performance of State and local prosecutors who litigate State capital cases, provided that such assessment shall not include participation by the assessor in the trial of any specific capital case.

(D) To identify and implement any potential legal reforms that may be appropriate to minimize the potential for error in the trial of capital cases.

(E) To establish a program under which State and local prosecutors conduct a systematic review of cases in which a death sentence was imposed in order to identify cases in which post-conviction DNA testing may be appropriate.

(F) To provide support and assistance to the families of murder victims.

(2) PROHIBITED USE.—Grants awarded under subsection (a) shall not be used to fund, directly or indirectly, the prosecution of specific capital cases.

SEC. 323. APPLICATIONS.

(a) IN GENERAL.—The Attorney General shall establish a process through which a State may apply for a grant under this subtitle.

(b) APPLICATION.—

(1) IN GENERAL.—A State desiring a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall contain—

(A) a certification by an appropriate officer of the State that the State authorizes capital punishment under its laws and conducts, or will conduct, prosecutions in which capital punishment is sought;

(B) a description of the communities to be served by the grant, including the nature of existing capital defender services and capital prosecution programs within such communities;

(C) a long-term statewide strategy and detailed implementation plan that—

(i) reflects consultation with the judiciary, the organized bar, and State and local prosecutor and defender organizations; and

(ii) establishes as a priority improvement in the quality of trial-level representation of indigents charged with capital crimes and trial-level prosecution of capital crimes;

(D) in the case of a State that employs a statutory procedure described in section 321(d)(1)(C), a certification by an appropriate officer of the State that the State is in substantial compliance with the requirements of the applicable State statute; and

(E) assurances that Federal funds received under this subtitle shall be—

(i) used to supplement and not supplant non-Federal funds that would otherwise be available for activities funded under this subtitle; and

(ii) allocated in accordance with section 326(b).

SEC. 324. STATE REPORTS.

(a) IN GENERAL.—Each State receiving funds under this subtitle shall submit an annual report to the Attorney General that—

(1) identifies the activities carried out with such funds; and

(2) explains how each activity complies with the terms and conditions of the grant.

(b) CAPITAL REPRESENTATION IMPROVEMENT GRANTS.—With respect to the funds provided under section 321, a report under subsection (a) shall include—

(1) an accounting of all amounts expended;

(2) an explanation of the means by which the State—

(A) invests the responsibility for identifying and appointing qualified attorneys to represent indigents in capital cases in a program described in section 321(d)(1)(A), an entity described in section 321(d)(1)(B), or a selection committee or similar entity described in section 321(d)(1)(C); and

(B) requires such program, entity, or selection committee or similar entity, or other appropriate entity designated pursuant to the statutory procedure described in section 321(d)(1)(C), to—

(i) establish qualifications for attorneys who may be appointed to represent indigents in capital cases in accordance with section 321(d)(2)(A);

(ii) establish and maintain a roster of qualified attorneys in accordance with section 321(d)(2)(B);

(iii) assign attorneys from the roster in accordance with section 321(d)(2)(C);

(iv) conduct, sponsor, or approve specialized training programs for attorneys representing defendants in capital cases in accordance with section 321(d)(2)(D);

(v) monitor the performance and training program attendance of appointed attorneys, and remove from the roster attorneys who fail to deliver effective representation or fail to comply with such requirements as such program, entity, or selection committee or similar entity may establish regarding participation in training programs, in accordance with section 321(d)(2)(E); and

(vi) ensure funding for the cost of competent legal representation by the defense team and outside experts selected by counsel, in accordance with section 321(d)(2)(F), including a statement setting forth—

(I) if the State employs a public defender program under section 321(d)(1)(A), the salaries received by the attorneys employed by such program and the salaries received by attorneys in the prosecutor's office in the jurisdiction;

(II) if the State employs appointed attorneys under section 321(d)(1)(B), the hourly fees received by such attorneys for actual time and service and the basis on which the hourly rate was calculated;

(III) the amounts paid to non-attorney members of the defense team, and the basis

on which such amounts were determined; and

(IV) the amounts for which attorney and non-attorney members of the defense team were reimbursed for reasonable incidental expenses;

(3) in the case of a State that employs a statutory procedure described in section 321(d)(1)(C), an assessment of the extent to which the State is in compliance with the requirements of the applicable State statute; and

(4) a statement confirming that the funds have not been used to fund representation in specific capital cases or to supplant non-Federal funds.

(c) CAPITAL PROSECUTION IMPROVEMENT GRANTS.—With respect to the funds provided under section 322, a report under subsection (a) shall include—

(1) an accounting of all amounts expended;

(2) a description of the means by which the State has—

(A) designed and established training programs for State and local prosecutors to ensure effective representation in State capital cases in accordance with section 322(b)(1)(A);

(B) developed and implemented appropriate standards and qualifications for State and local prosecutors who litigate State capital cases in accordance with section 322(b)(1)(B);

(C) assessed the performance of State and local prosecutors who litigate State capital cases in accordance with section 322(b)(1)(C);

(D) identified and implemented any potential legal reforms that may be appropriate to minimize the potential for error in the trial of capital cases in accordance with section 322(b)(1)(D);

(E) established a program under which State and local prosecutors conduct a systematic review of cases in which a death sentence was imposed in order to identify cases in which post-conviction DNA testing may be appropriate in accordance with section 322(b)(1)(E); and

(F) provided support and assistance to the families of murder victims; and

(3) a statement confirming that the funds have not been used to fund the prosecution of specific capital cases or to supplant non-Federal funds.

(d) PUBLIC DISCLOSURE OF ANNUAL STATE REPORTS.—The annual reports to the Attorney General submitted by any State under this section shall be made available to the public.

SEC. 325. EVALUATIONS BY INSPECTOR GENERAL AND ADMINISTRATIVE REMEDIES.

(a) EVALUATION BY INSPECTOR GENERAL.—

(1) IN GENERAL.—As soon as practicable after the end of the first fiscal year for which a State receives funds under a grant made under this title, the Inspector General of the Department of Justice (in this section referred to as the ''Inspector General'') shall—

(A) after affording an opportunity for any person to provide comments on a report submitted under section 324, submit to Congress a report evaluating the compliance by the State with the terms and conditions of the grant; and

(B) if the Inspector General concludes that the State is not in compliance with the terms and conditions of the grant, specify any deficiencies and make recommendations for corrective action.

(2) PRIORITY.—In conducting evaluations under this subsection, the Inspector General shall give priority to States that the Inspector General determines, based on information submitted by the State and other comments provided by any other person, to be at the highest risk of noncompliance.

(3) DETERMINATION FOR STATUTORY PROCEDURE STATES.—For each State that employs a statutory procedure described in section 321(d)(1)(C), the Inspector General shall submit to Congress, not later than the end of the first fiscal year for which such State receives funds, after affording an opportunity for any person to provide comments on a certification submitted under section 323(b)(2)(D), a determination as to whether the State is in substantial compliance with the requirements of the applicable State statute.

(b) ADMINISTRATIVE REVIEW.—

(1) COMMENT.—Upon the submission of a report under subsection (a)(1) or a determination under subsection (a)(3), the Attorney General shall provide the State with an opportunity to comment regarding the findings and conclusions of the report or the determination.

(2) CORRECTIVE ACTION PLAN.—If the Attorney General, after reviewing a report under subsection (a)(1) or a determination under subsection (a)(3), determines that a State is not in compliance with the terms and conditions of the grant, the Attorney General shall consult with the appropriate State authorities to enter into a plan for corrective action. If the State does not agree to a plan for corrective action that has been approved by the Attorney General within 90 days after the submission of the report under subsection (a)(1) or the determination under subsection (a)(3), the Attorney General shall, within 30 days, direct the State to take corrective action to bring the State into compliance.

(3) REPORT TO CONGRESS.—Not later than 90 days after the earlier of the implementation of a corrective action plan or a directive to implement such a plan under paragraph (2), the Attorney General shall submit a report to Congress as to whether the State has taken corrective action and is in compliance with the terms and conditions of the grant.

(c) PENALTIES FOR NONCOMPLIANCE.—If the State fails to take the prescribed corrective action under subsection (b) and is not in compliance with the terms and conditions of the grant, the Attorney General shall discontinue all further funding under sections 321 and 322 and require the State to return the funds granted under such sections for that fiscal year. Nothing in this paragraph shall prevent a State which has been subject to penalties for noncompliance from reapplying for a grant under this subtitle in another fiscal year.

(d) PERIODIC REPORTS.—During the grant period, the Inspector General shall periodically review the compliance of each State with the terms and conditions of the grant.

(e) ADMINISTRATIVE COSTS.—Not less than 2.5 percent of the funds appropriated to carry out this subtitle for each of fiscal years 2005 through 2009 shall be made available to the Inspector General for purposes of carrying out this section. Such sums shall remain available until expended.

(f) SPECIAL RULE FOR ''STATUTORY PROCEDURE'' STATES NOT IN SUBSTANTIAL COMPLIANCE WITH STATUTORY PROCEDURES.—

(1) IN GENERAL.—In the case of a State that employs a statutory procedure described in section 321(d)(1)(C), if the Inspector General submits a determination under subsection (a)(3) that the State is not in substantial compliance with the requirements of the applicable State statute, then for the period beginning with the date on which that determination was submitted and ending on the date on which the Inspector General determines that the State is in substantial compliance with the requirements of that statute, the funds awarded under this subtitle shall be allocated solely for the uses described in section 321.

(2) RULE OF CONSTRUCTION.—The requirements of this subsection apply in addition to, and not instead of, the other requirements of this section.

SEC. 326. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION FOR GRANTS.—There are authorized to be appropriated $100,000,000 for each of fiscal years 2005 through 2009 to carry out this subtitle.

(b) RESTRICTION ON USE OF FUNDS TO ENSURE EQUAL ALLOCATION.—Each State receiving a grant under this subtitle shall allocate the funds equally between the uses described in section 321 and the uses described in section 322, except as provided in section 325(f).

Subtitle C—Compensation for the Wrongfully Convicted

SEC. 331. INCREASED COMPENSATION IN FEDERAL CASES FOR THE WRONGFULLY CONVICTED.

Section 2513(e) of title 28, United States Code, is amended by striking ''exceed the sum of $5,000'' and inserting ''exceed $100,000 for each 12-month period of incarceration for any plaintiff who was unjustly sentenced to death and $50,000 for each 12-month period of incarceration for any other plaintiff''.

SEC. 332. SENSE OF CONGRESS REGARDING COMPENSATION IN STATE DEATH PENALTY CASES.

It is the sense of Congress that States should provide reasonable compensation to any person found to have been unjustly convicted of an offense against the State and sentenced to death.

SA 3952. Mr. LIEBERMAN (for Mr. KENNEDY) submitted an amendment intended to be proposed by Mr. LIEBERMAN to the bill S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes; as follows:

On page 170, between lines 8 and 9, insert the following:

(i) PROTECTIONS FOR HUMAN RESEARCH SUBJECTS.—The Secretary of Homeland Security shall ensure that the Department of Homeland Security complies with the protections for human research subjects, as described in part 46 of title 45, Code of Federal Regulations, or in equivalent regulations as promulgated by such Secretary, with respect to research that is conducted or supported by such Department.

SA 3953. Mr. GRAHAM of Florida submitted an amendment intended to be proposed to amendment SA 3941 submitted by Mr. GRAHAM of Florida and intended to be proposed to the bill S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. TREATMENT OF FOREIGN STATES.

(a) IMMUNITY OF A FOREIGN STATE.—Section 1605(a) of title 28, United States Code, is amended by striking paragraph (7) not including subparagraph (B) and inserting the following:

''(7) not otherwise covered by paragraph (2), in which money damages are sought against a foreign state for personal injury or death, or damage to or loss of property, that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of

his or her office, employment, or agency, except that the court shall decline to hear a claim under this paragraph—

''(A) if the foreign state was not designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) at the time the act occurred, unless later so designated as a result of such act or the act is related to the September 11, 2001, terrorist attacks against the World Trade Center, the Pentagon, and other targets in the United States; and''.

(b) DEFINITION OF NATIONAL OF THE UNITED STATES.—Section 2332f(e) of title 18, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) national of the United States means—

''(A) a person described in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); or

''(B) an organization which is incorporated or chartered or has its principal place of business in the United States;''.

SA 3954. Ms. COLLINS (for Mr. LOTT) submitted an amendment intended to be proposed by Ms. COLLINS to the bill H.R. 5122, to amend the Congressional Accountability Act of 1995 to permit members of the Board of Directors of the Office of Compliance to serve for 2 terms; as follows:

On page 2, line 11, strike ''the date of the enactment of this Act'' and insert ''September 30, 2004''.

SA 3955. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESTRICTION ON ISSUANCE OF MULTIPLE REPLACEMENT SOCIAL SECURITY CARDS.

(a) IN GENERAL.—The Commissioner of Social Security shall issue regulations to restrict the issuance of multiple replacement social security cards to any individual to not more than 3 per year and not more than 10 for the life of the individual, except in any case in which the Commissioner determines there is minimal opportunity for fraud.

(b) RULEMAKING.—The Commissioner of Social Security shall issue regulations to carry out the amendment made by subsection (a) not later than 180 days after the date of enactment of this Act.

SA 3956. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. ___. RESTRICTION ON ISSUANCE OF MULTIPLE REPLACEMENT SOCIAL SECURITY CARDS.

(a) IN GENERAL.—The Commissioner of Social Security shall issue regulations to restrict the issuance of multiple replacement social security cards to any individual to not more than 3 per year and not more than 10 for the life of the individual, except in any case in which the Commissioner determines there is minimal opportunity for fraud.

(b) RULEMAKING.—The Commissioner of Social Security shall issue regulations to carry out the amendment made by subsection (a) not later than 180 days after the date of enactment of this Act.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Tuesday, Oct. 5, 2004, to conduct a special meeting of the Committee to consider a resolution related to recommendations of the National Commission on Terrorist Attacks Upon the United States.

For further information concerning this meeting, please contact Susan Wells at 202–224–6352.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, October 6, 2004, at 10:00 a.m. in Room 485 of the Hart Senate Office Building to conduct a business meeting on pending Committee matters.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to continue its markup of Thursday, September 30, 2004 on Monday, October 4, 2004 immediately following the stacked roll call votes which are scheduled to begin at 4:15 p.m. in S–219, The Capitol.

I. Nominations: Claude A. Allen to be U.S. Circuit Judge for the Fourth Circuit; Susan B. Neilson to be United States Circuit Judge for the Sixth Circuit; Christopher Boyko to be United States District Judge for the Northern District of Ohio; Beryl Alaine Howell to be a Member of the United States Sentencing Commission.

II. Legislation: S. 2396—Federal Courts Improvement Act of 2004; Hatch, Leahy, Chambliss, Durbin, Schumer; S. 2204—A bill to provide criminal penalties for false information and hoaxes relating to Terrorism Act of 2004; Hatch, Schumer, Cornyn, Feinstein, DeWine; S. 1860—A bill to reauthorize the Office of National Drug Control Policy Act of 2003; Hatch, Biden, Grassley; S. 2560—A bill to amend chapter 5 of title 17, United States Code, relating to inducement of copyright infringement, and for other purposes Act of 2004; Hatch, Leahy, Graham; S.J. Res. 23—A joint resolution proposing an amendment to the Constitution of the United States providing for the event that one-fourth of the members of either the House of Representatives or the Senate are killed or incapacitated Act of 2003; Cornyn, Chambliss; S. 2737—A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names Act of 2004; Domenici, Graham, Sessions; S. 1784—A bill to eliminate the safe-harbor exception for certain packaged pseudoephedrine products used in the manufacture of methamphetamine Act of 2003; Feinstein, Grassley, Kohl, Biden, Kyl, Schumer; S. 2863—A bill to reauthorize the Department of Justice Act of 2004; Hatch, Leahy, DeWine, Schumer; H.R. 2391—To amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises Act of 2003; Smith—TX; S. 2760—A bill to limit and expedite Federal collateral review of convictions for killing a public safety officer Act of 2004; Kyl, Hatch, Craig, Cornyn, Sessions, Chambliss; S. 1297—A bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance to the Flag Act of 2003; Hatch, Talent, Kyl; S. 2089—A bill to allow aliens who are eligible for diversity visas to be eligible beyond the fiscal year in which they applied Act of 2004; Chambliss, Kennedy, Miller; S. 2302—A bill to improve access to physicians in medically underserved areas Act of 2004; Conrad, Feingold, Kennedy, Schumer, DeWine, Kohl; S. 989—A bill to provide death and disability benefits for aerial firefighters who work on a contract basis for a public agency and suffer death or disability in the line of duty, and for other purposes Act of 2003; Enzi, Reid; S. 1728—Terrorism Victim Compensation Equity Act of 2003; Specter, Leahy, Schumer; S. 1740—Anthrax Victims Fund Fairness Act of 2003; Leahy, Feingold; S. 549—A bill to amend the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107–42) to provide compensation for victims killed in the bombing of the World Trade Center in 1993, and for other purposes Act of 2003; Schumer; S. 115—Private Bill; A bill for the relief of Richi James Lesley Act of 2004; Cochran; S. 2331—A bill for the relief of Fereshteh Sani Act of 2004; Allen; S. 1042—Private Bill; A bill for the relief of Tchisou Tho Act of 2003; Coleman; S. 2314—A bill for the relief of Nabil Raja Dandan, Ketty Dandan, Souzi Dandan, Raja Nabil Dandan, and Sandra Dandan Act of 2004; Durbin; S. 353—Private Bill; A bill for the relief of Denes and Gyorgyi Fulop Act of 2003; Feinstein; H.R. 867—Private Bill; For the relief of Durreshahwar Durreshahwar, Nida Hasan, Asna Hasan, Anum Hasan, and Iqra Hasan Act of 2003; Holt—NJ; S. 2012—Private Bill; A bill for the relief of Luay Lufti Hadad Act of 2004; Levin.

PRIVILEGE OF THE FLOOR

Mr. TALENT. I ask unanimous consent that a fellow from my office, Lore Aguyo, be allowed floor privileges for the remainder of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader and Democratic Leader of the Senate and the Speaker of the House of Representatives and Minority Leader of the House of Representatives, pursuant to Public Law 108–199, Section 104(c)(1), announces the joint appointment of the following individual to serve as Chairman of the Commission on the Abraham Lincoln Study Abroad Fellowship Program: Peter McPherson.

AMENDING THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5122 which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislation clerk read as follows:

A bill (H.R. 5122) to amend the Congressional Accountability Act of 1995 to permit members of the Board of Directors of the Office of Compliance to serve for two terms.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3954) was agreed to, as follows:

On page 2, line 11, strike ''the date of the enactment of this Act'' and insert ''September 30, 2004''.

The bill (H.R. 5122), as amended, was passed.

HONORING FORMER PRESIDENT JAMES EARL (JIMMY) CARTER ON THE OCCASION OF HIS 80TH BIRTHDAY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 446, submitted earlier today by Senator REID of Nevada.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 446) honoring former President James Earl (Jimmy) Carter on the occasion of his 80th birthday.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I rise today to recognize President Jimmy Carter on the occasion of his 80th birthday.

The people of Nevada elected me to the U.S. House in 1982, so I arrived in Congress after President Carter had already left the White House. I did not have a chance to work with him.

But I have had, and I continue to have the pleasure of observing his great leadership on many important projects and issues.

What I admire most about President Carter is that he has never forgotten where he came from. Jimmy Carter was brought up on his family's peanut farm outside the small town of Plains, GA. His family home lacked electricity and indoor plumbing.

He is a product of the American dream, ascending from the red clay fields of Georgia to the most powerful office in the world.

I have heard a story that when he told his mother he was going to run for President, she replied, ''President of what?''

After graduating as valedictorian of his high school class, a young Jimmy Carter enrolled in the U.S. Naval Academy. He graduated in 1946 in the top tenth of his class, and signed on as an officer under the tough but inspirational Captain Hyman Rickover in the Navy's first experimental nuclear submarine.

Due to his service, a submarine was named for him: The USS *Jimmy Carter*. This is one of the very few US Navy vessels to be named for a person still alive at the time of the commissioning.

President Carter's presidency was distinguished by his strong commitment to human rights in the world, and his commitment to justice and protection of the environment at home.

As the governor of Georgia, he had reorganized the State government to make it more responsive to the needs of the people. He did the same thing as president, separating the Department of Health, Education and Welfare into the Department of Education and the Department of Health and Human Services. He also recognized the importance of establishing a strong national energy policy by creating a new cabinet-level department, the United States Department of Energy.

The Carter administration's foreign policy is best remembered for the peace treaty he brokered between the states of Israel and Egypt with the Camp David Accord. The unfortunate assassination of President Sadat only underscored the deep-seated animosity in that part of the world, which made this agreement so remarkable.

He also brokered the SALT II treaty with the Soviet Union to control the proliferation of nuclear weapons. At the same time, he aggressively developed weapons systems like cruise missiles and stealth bombers, which are still a vital part of our military arsenal.

Since leaving the White House, Jimmy Carter has redefined the role of an ex-President, using his status and standing to mediate for peace and fight disease worldwide.

He has been involved in a number of public policy, human rights, and charitable causes. His work in international public policy and conflict resolution is largely through the Carter Center, which also focuses on worldwide health care and includes a campaign to eliminate guinea worm disease.

Outside of the Carter Center, President Carter conducts diplomatic missions as an elder statesman. In 2002 the Nobel committee recognized his efforts at Camp David and the accomplishments of his post-presidency by awarding him the Nobel Peace Prize.

In addition to promoting peace and human rights through the world, President Carter has been involved with the non-profit group Habitat for Humanity since 1984.

Habitat is an ecumenical Christian housing ministry dedicated to eliminating substandard housing. Habitat volunteers have built more than 100,000 houses worldwide, providing decent and affordable homes for grateful families, including some in my home State of Nevada.

Unlike some public figures who support good causes merely by lending their name, President Carter gives his sweat to Habitat for Humanity. He hammers nails and cuts boards. Each year he leads a work project, and he and his wife Rosalyn donate a week of their time to this wonderful cause.

The late educator Booker T. Washington once said, ''There are two ways of exerting one's strength: one is pushing down, the other is pulling up.''

President Carter's life has been a testament to the latter. The value of his life's work cannot be measured or quantified by the years he served as President, but by the scope of all his deeds, political as well as humanitarian.

I have visited the President at his home in Plains. I have attended his Sunday School class. I am honored to have served as his Nevada finance chairman when he ran for President. President Carter is my friend, for which I am grateful.

President Carter leads by example. Living modestly and decently, he continues to stand up for the weak, the less fortunate, and those whose Godgiven rights have been denied.

It is my honor to wish the Naval lieutenant, Nobel Prize recipient, and 39th President of our United States, James Earl Carter, a happy 80th birthday.

I have submitted a resolution to commemorate this occasion, and Congressman LEWIS has introduced the accompanying resolution in the House. I urge all of my colleagues to join me in supporting this measure.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 446) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follow:

S. RES. 446

Whereas Jimmy Carter was born in Plains, Georgia, on October 1, 1924;

Whereas Jimmy Carter attended Georgia Southwestern College and the Georgia Institute of Technology, and received a B.S. degree from the United States Naval Academy in 1946;

Whereas Jimmy Carter served honorably as a submariner in the United States Navy in both the Atlantic and Pacific fleets, working under Admiral Hyman Rickover in the development of the nuclear submarine program;

Whereas Jimmy Carter continued his commitment to public service, serving as Georgia State Senator and Governor of Georgia;

Whereas Jimmy Carter was elected the 39th President of the United States on November 2, 1976;

Whereas Jimmy Carter created both the Departments of Education and Energy and implemented major education policies and a comprehensive national energy program;

Whereas Jimmy Carter oversaw deregulation of the airline, energy, and banking industries;

Whereas Jimmy Carter promoted human rights as a tenet of American foreign policy and pressed nations to uphold basic human rights;

Whereas Jimmy Carter furthered diplomatic relations with the People's Republic of China;

Whereas Jimmy Carter was instrumental in the negotiation and signing of the Camp David Accord between Israel and Egypt, signaling a new era of peace between those 2 countries;

Whereas Jimmy Carter has continued his service to his country since leaving the Presidency by championing safe and affordable housing, human rights, and disease prevention;

Whereas Jimmy Carter remains actively committed to promoting peace and democracy abroad, supervising elections in fledgling democracies, and helping to defuse international crises in North Korea, Somalia, and Haiti; his decades of untiring effort to find peaceful solutions to international conflicts, to advance democracy and human rights, and to promote economic and social development; and

Now, therefore, be it

Resolved, That the Senate honors former President Jimmy Carter on the occasion of his 80th birthday and extends best wishes to him and his family.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2004

Ms. COLLINS. Mr. President, I ask that the Chair now lay before the Senate the House message to accompany H.R. 1047, the miscellaneous tariffs bill.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives disagreeing to the amendment of the Senate to the bill (H.R. 1047) entitled ''An Act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes'', and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ms. COLLINS. I ask unanimous consent that the Senate insist on its amendment, agree to conference with the House, and the Chair be authorized to appoint conferees at a ratio of 2 to 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. TALENT) appointed Mr. GRASSLEY, Mr. FRIST, and Mr. BAUCUS conferees on the part of the Senate.

ORDERS FOR TUESDAY, OCTOBER 5, 2004

Ms. COLLINS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. on Tuesday, October 5. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and that there be a period of morning business until 9:40 a.m. with the first half of the time under the control of the majority leader or his designee and the second half under the control of the Democratic leader or his designee; provided further that at 9:40 a.m., the Senate resume consideration of S. 2845, the intelligence reform bill, and the time until 9:45 a.m. be equally divided between the two leaders or their designees; provided further that at 9:45 a.m. the Senate proceed to a vote on the motion to invoke cloture on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO FILE SECOND-DEGREE AMENDMENTS

Ms. COLLINS. I ask unanimous consent that Members have until 9:45 tomorrow morning in order to file second-degree amendments as under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. COLLINS. Mr. President, for the information of all Senators, tomorrow at 9:45 a.m., the Senate will vote on the motion to invoke cloture on the intelligence reform bill. We have made good progress on the bill, disposing of dozens of amendments. It is my hope that cloture will be invoked tomorrow morning so that we can move toward final action on the bill. For the remainder of the bill, the Senate will work through additional amendments to the bill. Senators should, therefore, expect rollcall votes throughout the day tomorrow.

Finally, I remind everyone of the majority leader's announcement that following the conclusion of this bill, the Senate will begin consideration of the intelligence reforms related to the organization of the Senate.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Ms. COLLINS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:18 p.m. adjourned until Tuesday, October 5, 2004, at 9 a.m.

EXTENSIONS OF REMARKS

THE INSTALLATION OF RABBI MICHEAL PONT AS THE NEW LEADER OF THE TEMPLE BETH AHM IN ABERDEEN, NJ

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. PALLONE. Mr. Speaker, it is with great pleasure that I rise today to welcome the installation of Rabbi Michael Pont as the new leader of the Temple Beth Ahm in Aberdeen, New Jersey. Rabbi Pont has served his previous community with a great deal of capability and we are delighted to have him join our district.

Prior to joining the Aberdeen community, Rabbi Pont served on the Greensboro Jewish Federation Board of Trustees, Blumenthal Jewish Home Board, and Family Life Council Board. Rabbi Pont was also a participant of the March of the Living Seminar to Poland and Israel, Greensboro Jewish Federation Mission to Moldova, Greensboro Jewish Federation young Leadership Program.

Rabbi Pont served as the Assistant Rabbi at the Beth David Synagogue in Greensboro, NC. Among his many accomplishments, Rabbi Pont directed the religious school, oversaw programming for families and youth, led worship, and served as pastor.

Rabbi Pont has taught several educational courses to youth, young adults, and adults including classes on Jewish holidays, Jewish values, Shabbat, and kashrut. While in Greensboro, Rabbi Pont initiated educational and cultural programs for families of the entire Jewish community, and also initiated a community service project in which Jewish Family Services would assist new immigrants.

Rabbi Pont studied at the University of Judaism in Los Angeles, CA and the Schechter Institute in Jerusalem, Israel for his Rabbinical Ordination. He received his Masters Degree in Jewish Education from the Jewish Theological Seminary, New York, and his Bachelors Degree in Psychology from the University of Michigan, Ann Arbor. Rabbi Pont is currently a member of the Rabbinical Assembly and MERCAZ USA.

Mr. Speaker, I am proud and honored to welcome a man of Rabbi Michael Pont's experience and dedication to our community. Once again, I ask that you join me in congratulating Rabbi Michael Pont, and extend him good wishes and the best of luck in his new position.

HOUSE COMMITTEE ON RESOURCES RECEIVES INFORMATION ON THE UNITED NATIONS' MAN AND BIOSPHERE PROGRAM

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. POMBO. Mr. Speaker, the United Nations' Man and Biosphere Program (MAB) is managed by the United Nations Educational, Scientific and Cultural Organization (UNESCO) headquartered in Paris, France. Although there are 47 United Nations' Biosphere Reserves in the United States that comprise a land area larger than Colorado, this program is not authorized by even a single U.S. law or international treaty. This lack of legal authority is even more remarkable when one considers that millions of acres of private property in the United States are contained within the boundaries of biosphere reserves.

To better understand the workings of this program, it was necessary for me to write to Dr. Nataran Ishwaran, Director of UNESCO's Division of Ecological Resources in Paris, France, who oversees the Man and Biosphere Program. I desired to learn more about the process for establishing and terminating biosphere reserves as well as the monitoring UNESCO requires for these designations.

Dr. Ishwaran's reply indicated "Member States wishing to remove the biosphere reserve in its country notifies the UNESCO Secretariat which in turn informs the Man and Biosphere International Coordinating Committee (ICC). . . .The ICC is an intergovernmental body made up of 34 countries, elected in a rotational system by the UNESCO General Conference."

I commend my colleagues to learn more about the United Nations' Biosphere Reserves by reading this letter by Dr. Ishwaran, Director of UNESCO's Division of Ecological Resources.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION,

August 24, 2004.

Mr. RICHARD W. POMBO,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. POMBO: I should like to acknowledge your letter of 3 August 2004 and to thank you for your kind words on my new appointment.

Our replies to your questions regarding biosphere reserves follow below. They are based on the "Statutory Framework" for biosphere reserves, a text negotiated by over 400 experts (including US experts) in 1995 and adopted by the UNESCO General Conference under 28 C/Resolution 2.4 in the same year. This Resolution is considered a "soft law" and is not an internationally binding treaty as is for example the World Heritage Convention. The Statutory Framework, and the accompanying "Seville Strategy" can be found on the MABnet under http://www.unesco.org/mab/publications/document.htm.

It is important to understand that before this Statutory Framework was adopted in 1995, nomination and designation of sites did not follow such a formal legal procedure, and that the criteria for biosphere reserves were much more oriented to either nature conservation or scientific research. As you can see from the definition and "vision" for biosphere reserves, the emphasis now is on the combination of three functions of conservation, scientific research and development. This evolution in the biosphere reserve criteria means that the World Network of Biosphere Reserves, which began in 1976, contains a legacy of "old" sites nominated by their MAB National Committees but which do not necessarily conform to the 1995 criteria. This is the case in the USA, where sites were designated from 1976 up till 1991.

(1) Designation procedure—(see Article 5 of the Statutory Framework): UNESCO Member States make nominations for the designation of new sites as biosphere reserves through their MAB National Committees. The nomination form (http://www.unesco.org;/mab/docs/brnomform.htm) requires endorsement at the local and national levels. The nominations are sent to the UNESCO Secretariat, which submits them for technical evaluation by the Advisory Committee for Biosphere Reserves (a 12 person group of experts nominated by the UNESCO Director-General). The nominations are then decided upon in the light of the recommendations from this Advisory Committee by the MAB International Coordinating Council (ICC). The ICC is an intergovernmental body made up of 34 countries, elected in a rotational system by the UNESCO General Conference. In practice the ICC devolves the decision on new nominations to its Bureau (the Chair and the five Vice-Chairs) that meets about once a year. The UNESCO Secretariat then informs the Member State on the decision. As is stipulated under Article 2.3, individual biosphere reserves remain under the sovereign jurisdiction of the States (countries) where they are situated.

(2) Monitoring—The Statutory Framework makes provision under Article 9 for a "periodic review" every ten years after designation. This is a self-evaluation, carried out by the "concerned authority" which in practice is usually the administrative body responsible for the biosphere reserve. The format for this periodic review report is voluntary, but countries generally use the form designed by the UNESCO Secretariat for this purpose (available on: http://www.unesco.org/mab/publications/document.htm). The periodic review reports follow the same process of technical evaluation and examination as for new nominations. The MAB Bureau makes a recommendation to the Member State concerned on each periodic review report: these recommendations are very often suggestions as to the types of measures which could be taken to improve the functioning of the site under question as a biosphere reserve.

(3) Terminating biosphere reserve designation—Technically, this can happen in two ways. As is said under Article 9.8, a Member State wishing to remove a biosphere reserve in its country notifies the UNESCO Secretariat which in turn informs the MAB ICC. A second procedure follows the periodic review

process as is stated under Article 9 paragraphs 5 and 6: if the ICC finds that a biosphere reserve does not satisfy the criteria after a reasonable period of time in which the Member State concerned could have taken measures to improve it, the site concerned ''will no longer be referred to as a biosphere reserve which is part of the Network'' (please refer to Article 9, paragraph 6 of the Statutory Framework). In practice this second means has never been used. To date, four countries have asked that non-functional sites be removed from the Network. The UK, for example, undertook a periodic review of all its sites with the biosphere reserve designation (dating from 1977). It recognized that four of these did not and could not meet the 1995 criteria and asked the ICC to remove them from the Network. This was hailed by the ICC as a positive result of the periodic review.

(4) Reduction in size of a biosphere reserve—There is no formal provision for this, but logically it should follow the same procedure as for an extension, which is given under Article 5.2. De facto, this means following the same procedure as for new nominations.

I trust this answers your questions satisfactorily: if you have any other questions, do not hesitate to contact us.

Yours sincerely,

N. ISHWARAN,
Director, Division of Ecological Sciences.

44TH ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. BILIRAKIS. Mr. Speaker, I would like to take this opportunity to commemorate the 44th anniversary of the Independence of the Republic of Cyprus. On October 1, 1960, Cyprus became an independent republic after decades of British colonial rule.

The relationship between Cyprus and the United States is strong and enduring. Over the last decades, Cyprus and the United States have established close political, economic and social ties, developing a valued friendship. Cyprus and the United States share a deep and abiding commitment to democracy, fundamental human rights, free markets, and the ideal and practice of equal justice under law.

As the Republic of Cyprus celebrates its 44th Independence Day, I share the Cypriots' joy for having created a prosperous, open society based on solid foundations. Furthermore, I believe this is an opportunity for the United States of America and Cyprus to come closer together, as we stand united in our resolve to fight the battle on terrorism. As we move forward, I am confident that our friendship will continue well into the future.

IN HONOR OF ANN COONERTY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Ann Coonerty in tribute of her 90th birthday. Ann is a native Californian and long time resident of Santa Cruz County who continues to offer her services as an educator to our community. It is my pleasure to stand in this House and honor Ann's 90th birthday.

Ann McGinley Coonerty was born in Santa Maria, California on October 16th, 1914. She excelled in school and, at age 19, became the first woman in her family to earn a college degree. She graduated from U.C. Berkeley in 1934 with a teaching credential and a degree in mathematics; soon after, she began her teaching career in the Santa Maria area. In 1941, she took a break to marry Kevin Coonerty and start a family. When Kevin returned home from serving in World War II, he used the GI Bill to earn a degree in engineering. During this time, Ann tutored her husband in mathematics while raising their three children.

After Kevin began working for Rocketdyne in Southern California in 1953, Ann returned to teaching. In 1975 Ann and her family moved to Santa Cruz where she began working at Happy Valley Elementary School as a teacher's aide. Twenty-nine years later, she is quite simply an institution and an inspiration to parents, children and colleagues. Even today, as Ann approaches her 90th birthday, she plans to continue volunteering her time as an aide.

Mr. Speaker, I applaud Ann Coonerty's achievements, accomplishments, and her dedication to education. She has demonstrated a unique passion for family, community, and to her profession. Ann has devoted her life to teaching and tutoring students, a service for which our community is eternally grateful. I join the County of Santa Cruz, and friends and family in honoring this truly commendable woman.

THE RECOGNITION OF MAYOR WILLIAM ROSENBLATT

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. PALLONE. Mr. Speaker, I rise today to praise an exemplary individual, and a good friend, Mayor William Rosenblatt. I have known Mayor Rosenblatt for quite some time now, and, in this time, I have always been impressed by his commitment to his community, as well as his sense of obligation towards the preservation of our beaches. This weekend, he will be a deserving recipient of the 'Big Kahuna' award, presented by the Surfers' Environmental Alliance (SEA). As he receives this fitting tribute, I would like to take a moment and laud Mayor Rosenblatt for all that he has done for the beaches of New Jersey.

Born in Newark, New Jersey, Mayor Rosenblatt attended Montclair University, and after he received his masters degree from Rutgers University, he completed his post doctorate training at the Mind Body Institute at Harvard University. Previously he has served as the director of behavioral medicine at Monmouth Medical Center and an adjunct faculty member at Monmouth University, Rutgers University, and Kean University—just to name a few.

Mayor Rosenblatt has been surfing for 42 years, mostly in New Jersey. His commitment and love for the sport is exhibited in his membership to organizations such as Clean Ocean Action and Surfers Medical Association. In addition, he is the proud co-founder of the Jersey Shore chapter of the Surfrider Foundation, and he sits on the National Board of Directors for the organization. As the Mayor of Loch Arbour for the last 7 years, William Rosenblatt has served proudly and has done a tremendous job. Time and time again, Mayor Rosenblatt has let his actions serve as an example for the rest of the community. By serving as beach captain for the Loch Arbour/Allenhurst Beach sweeps, and writing a surfing column in the Asbury Park Press for the last 3 years, few can deny this individual's obvious passion for the sport of surfing and adoration for our beaches.

The Surfers' Environmental Alliance, identifies a 'kahuna' as a ''respected elder of the sport, a mentor to young surfers.'' This is a fitting description of Mayor William Rosenblattt, who is not only a mentor to young surfers, but also a highly regarded and respected leader in his community, as well as the sport of surfing. Mr. Speaker, once again, I congratulate my friend in receiving this honor and would like to commend the SEA for their work, and for recognizing the contributions of Mayor Rosenblatt.

PROPERTIES CONSIDERED SUITABLE AS ADDITIONAL WORLD HERITAGE SITES IN THE UNITED STATES

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. POMBO. Mr. Speaker, in 1972 the United States ratified ''The Convention Concerning Protection of World Cultural and Natural Heritage'' known as the World Heritage Convention. Since then 20 properties in the United States have been designated as World Heritage Sites and operated under a worldwide program administered by the United Nations Educational, Scientific and Cultural Organization (UNESCO) which is based in Paris, France.

World Heritage Sites in the United States were non-controversial until the Clinton administration and over-zealous environmental groups used Yellowstone National Park's World Heritage Site designation to stop a proposed gold mine located on private property outside the boundaries of the park. Many in Congress joined me in believing this mission creep of the World Heritage Convention was never envisioned when the United States ratified it over 30 years ago.

I have learned that the National Park Service, pursuant to Article 11 of the World Heritage Convention, has developed a ''Tentative'' or ''Indicative'' List of cultural and natural properties in the United States that it considers suitable for inclusion to the World Heritage List. Presently, this list contains 70 properties in over 30 States and the District of Columbia.

Based on the experience during the Clinton administration involving a proposed gold mine on private property located outside Yellowstone National Park, America must be very cautious when it proposes new areas for designation as World Heritage Sites. For example, I note the oil-rich Arctic National Wildlife Refuge is on the ''Tentative List'' as is the mineral-rich Cape Krusenstern Archaeological

District in Alaska. World Heritage Site designation of either area would jeopardize America's national security and international competitiveness.

Happily, the U.S. Department of the Interior believes the "Tentative List" needs to be updated for a variety of reasons. I encourage my colleagues to read the following letter from Deputy Assistant Secretary of the Interior Paul Hoffman as well as the present "Tentative List."

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, August 13, 2004.

Hon. RICHARD POMBO,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of July 13, 2004, requesting information about the United States Indicative Inventory of Potential Future United States Nominations to the World Heritage List. As you know, the Department of the Interior, through the National Park Service, directs and coordinates the United States participation in the World Heritage Convention in accordance with the statutory mandate of Title IV of the National Historic Preservation Act Amendments of 1980 as implemented by Federal regulations (36 CFR 73).

The Indicative Inventory, prepared by the National Park Service in the early 1980s, was developed in compliance with Article 11 of the Convention, which calls on participating nations to submit to the World Heritage Committee an inventory or tentative list of cultural and natural properties that it considers suitable for inclusion in the World Heritage List. The purpose of these tentative lists is to enable the Committee to evaluate within the widest possible context the ''outstanding universal value'' of each property nominated to the List. Inclusion on a country's tentative list is required before properties can be nominated to the World Heritage List. However, a listing in the inventory does not confer World Heritage status on the property in question; it merely indicates that a property may be further examined for possible nomination in the future.

The complete U.S. Indicative Inventory was published in a Federal Register notice on May 6, 1982. The full notice, including a description and location for each listed property, is enclosed for your review. Subsequently, two properties were added to the inventory: Haleakala National Park in Hawaii, added in 1983; and Taliesin West, Frank Lloyd Wright's winter studio in Arizona, added at the request of the Frank Lloyd Wright Foundation, in 1990. The two additions were made by the respective Assistant Secretaries of the Interior for Fish and Wildlife and Parks at the time, on the recommendation of the Federal Interagency Panel for World Heritage, in accordance with the procedures outlined in Federal regulations (36 CFR 73) for implementation of the World Heritage program in the United States. Although conceived as a ''rolling list'' to which additions or deletions could be made, no other changes to the Inventory have ever been made.

The inventory was compiled by the National Park Service with input from a wide variety of sources, including Federal and State agencies, elected Congressional and State representatives, private industry, conservation and preservation organizations, academic institutions, local governments, and individuals. A draft of the inventory was published for comment in 1981; the comments received were summarized in the subsequent 1982 notice. Scholarly and scientific evaluation was the basis for selecting the properties listed in the inventory.

While the NPS does not have documentation on who suggested which sites should be included in the U.S. Indicative Inventory, we believe NPS units were recommended by the park superintendents and that non-Federal properties were suggested by their respective owners. U.S. law requires that all property owners of record of a site (1) concur with the nomination of their site and (2) that they commit to preserving their site in perpetuity.

For a variety of reasons, including its desire to achieve a more balanced and representative World Heritage List by stepping aside to give greater opportunity to other countries with few or no sites yet designated, the United States has not submitted any further nominations since 1994. As stated in the 1982 Federal Register notice, the inventory was intended as a preliminary list of properties that appear to qualify for nomination to the World Heritage List and that may be considered for nomination during the next ten years. From the time when the inventory was published until the United States made its most recent World Heritage nomination in 1994, thirteen of the properties included in it were nominated and listed by the World Heritage Committee.

After much consideration, it is our view that the current Indicative Inventory is out of date and should be revised for a variety of reasons, such as the changing views of heritage and concerns about the geographic and thematic representativity of the World Heritage List. Even the approach taken to creating the list now appears outdated. We intend to begin the process of revision early next year and will keep you informed and look forward to your input as we proceed.

Thank you again for your interest. Please contact me if you have any further questions.

Sincerely,

PAUL ROFFMAN,
Deputy Assistant Secretary
for Fish and Wildlife and Parks.

Enclosure.

POTENTIAL U.S. NOMINATIONS FROM THE TENTATIVE LIST (COMPLETE TEXT)

INDICATIVE LIST, UNITED STATES (BY STATE)

Alabama

Moundville Site

Alaska

Aleutian Islands Unit of the Alaska Maritime National
Wildlife Refuge (Fur Seal Rookeries) C(vi); N(ii)
Arctic National Wildlife Refuge
Cape Krusenstern Archaeological District
Denali National Park
Gates of the Arctic National Park
Glacier Bay National Park and Preserve inscribed 1992
Katmai National Park
Wranaell-St. Elias National Park and Preserve inscribed 1979

Arizona

Casa Grande National Monument
Grand Canyon National Park inscribed 1979
Hohokam Pima National Monument
Lowell Observatory
Organ Pipe Cactus National Monument
Saguaro National Monument
San Xavier Del Bac
Taliesin West [added 17 Aug 90]
Ventana Cave

California

Joshua Tree National Monument
Point Reyes National Seashore/Farallon Islands National
Wildlife Refuge
Redwood National Park inscribed 1980
Sequoia/Kings Canyon National Parks
Yosemite National Park inscribed 1984

California/Nevada

Death Valley National Monument

Colorado

Colorado National Monument
Mesa Verde National Park inscribed 1978
Lindenmeir Site
Rocky Mountain National Park

District of Columbia

Chapel Hall, Gallaudet College
Washington Monument

Florida/Georgia

Everglades National Park inscribed 1979
Okefenokee National Wildlife Refuge

Georgia

Ocmulgee National Monument
Savannah Historic District
Warm Springs Historic District

Hawaii

[Haleakala National Park added 21 Aug 83]
Hawaii Volcanoes National Park inscribed 1987
Pu'uhonua O Honaunau National Historical Park

Illinois

Auditorium Building, Chicago
Cahokia Mounds State Historic Site inscribed 1982
Carson, Pirie, Scott and Company Store, Chicago
Eads Bridge, Illinois-St. Louis, Missoui
Frank Lloyd Wright Home and Studio
Leiter II Building, Chicago
Marquette Building, Chicago
Reliance Building, Chicago
Robie House, Chicago
Rookery Building, Chicago
South Dearborn Street-Printing House Row North Historic District
Unity Temple, Oak Park

Indiana

New Harmony Historic District

Louisiana

Poverty Point

Maine

Acadia National Park

Massachusetts

Goddard Rocket Launching Site

Missouri

Wainright Building, St. Louis

Montana

Glacier National Park inscribed 1995

New Jersey/New York

Statue of Liberty National Monument inscribed 1984

New Mexico

Carlsbad Caverns National Park inscribed 1995
Chaco Culture National Historical Park inscribed 1987
Pecos National Monument
Taos Pueblo inscribed 1992 Trinity Site

New York

Brooklyn Bridge
General Electric Research Laboratories, Schenectady
Prudential (Guaranty) Building, Buffalo
Pupin Physics Laboratory, Columbia University
Original Bell Telephone Laboratories

North Carolina/Tennessee

Great Smoky Mountains National Park inscribed 1983

Ohio

Mound City Group National Monument

Oregon

Crater Lake National Park

Pennsylvania

Fallingwater

Independence National Historic Site inscribed 1979

Texas

Big Bend National Park
Guadalupe Mountains National Park

Utah

Arches National Park
Bryce Canyon National Park
Canyonlands National Park
Capitol Reef National Park
Rainbow Bridge National Monument
Lion National Park

Virginia

McCormick Farm and Workshop
Monticello inscribed 1987
University of Virginia Historic District inscribed 1987
Virginia Coast Reserve

Washington

Mount Rainier National Park
Olympic National Park inscribed 1981
North Cascades National Park

Wisconsin

Taliesin

Wyoming

Grand Teton National Park

Wyoming/Montana

Yellowstone National Park inscribed 1978

Puerto Rico

La Fortaleza-San Juan National Historical Site inscribed 1983

These sites are further detailed in the following Public Notice in the Federal Register (47 FR 9648), as amended by 48 FR 38101 and 55 FR 33781).

IN HONOR OF BUTCH VORIS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Roy Marlin "Butch" Voris, the founder of the Blue Angels.

After graduating from Salinas Junior College in 1939, Mr. Voris entered the Navy in 1941. In February of 1942 he was commissioned an ensign and designated a naval aviator. Mr. Voris was deployed in the Pacific theater of World War II, where he flew both Grumman F4F "Wildcat" and Grumman F6F "Hellcats." He was a talented pilot, earning the "fighter ace" status, and a respected commander of Fighter Squadron 113, Fighter Squadron 191, and Attack Carrier Air Group 5. For his service and sacrifices to his country, Mr. Voris earned three Distinguished Flying Crosses, 11 Air Medals, three Presidential Unit Citations, and the Purple Heart.

When the Secretary of the Navy and the Chief of Naval Operations created a Navy flight exhibition team in 1946 to demonstrate precision fighter maneuvers at Navy air shows and other public events, they naturally chose Captain Voris to be the first Officer-in-Charge and Flight Leader. After selecting his fellow pilots and maintenance personnel from the Navy's best officers and sailors, he modified the Grumman F6F "Hellcat" and painted it the now famous blue and gold. Captain Voris flew with the Blue Angels on their first tour, and again in 1951, before retiring from the Navy in 1963.

Mr. Speaker, I applaud Captain "Butch" Voris' years of service to our country and amazing accomplishments. He is an American hero who has made a remarkable contribution to the world of aviation, which we are lucky enough to continue to enjoy today. I join with the thousands of attendees to the California International Air Show in Salinas, and dozens of former Blue Angel pilots, in honoring this talented man and his many achievements.

CYPRUS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. BILIRAKIS. Mr. Speaker, I rise today to submit for the CONGRESSIONAL RECORD an excerpt from the recent (9/23/04) address by the President of the Republic of Cyprus, Mr. Tassos Papadopoulos, to the General Assembly of the United Nations. In his remarks, President Papadopoulos eloquently outlined his concerns about the U.N. proposed plan, and his hopes for peace and reunification for Cyprus.

I would like to emphasize how proud we are that Cyprus is now a full member of the European Union. The European Union has outlined an extensive set of priorities for this Session of the General Assembly. As the statement delivered by the Dutch Presidency has delineated these priorities, I will not elaborate on them any further.

This year marks 30 years since the occupation of 37% of Cyprus' territory as a result of the invasion of the island by Turkish troops. It also marks 30 years of relentless efforts by the Greek Cypriots to achieve a just and peaceful settlement, with the support of the international community, to which I would like here to express our deep appreciation.

The Greek Cypriot side has repeatedly demonstrated in the past thirty years, its readiness to move forward by making many painful sacrifices and concessions, while the Turkish Cypriot leadership always lacked the necessary political will. The quest and eagerness of Greek Cypriots for a solution never meant, however, that they would accept any settlement proposed to them nor that they would be ready to embark on an adventure, in all probability condemned to failing, with irreversible consequences.

The latest effort by the UN Secretary-General to solve the Cyprus problem resulted in a Plan, which, by some was described as a historic opportunity to solve one of the longest standing international problems. I will only briefly outline why, despite the hard work invested in the process by all involved, the end product of this effort was judged to be inadequate and fell short of minimum expectations from a settlement for Greek Cypriots.

Firstly, the Annan Plan was not the product of negotiation nor did it constitute an agreed solution between the parties. Secondly, the Plan did not place the necessary emphasis on achieving a one State solution with a central government able to guarantee the single sovereign character of Cyprus. Thirdly, it failed to address the serious concerns of the Greek Cypriot Community regarding their security and effective implementation of the Plan.

In rejecting the Plan as a settlement for the Cyprus problem the Greek Cypriots did not reject the solution or the reunification of their country. They have rejected this particular Plan as not effectively achieving this objective. We remain committed to a solution which will ensure the reunification of the country, its economy, and its people.

We are committed to reaching a solution on the basis of a bi-zonal, bi-communal federation. However, there are a number of essential parameters the Greek Cypriot Community insist this solution to be founded on. The withdrawal of troops and settlers and the respect of human rights for all Cypriots, the underlying structures for a functioning economy, the functionality and workability of the new state of affairs, the just resolution of land and property issues in accordance with the decisions of the European Court of Human Rights, and the respect of the right of return of refugees. To this end, we welcome the recent Pinheiro Progress Report on property restitution in the context of the return of refugees and internally displaced persons.

Simultaneously, it pains me to bring to your attention, Mr. President, that certain provisions of the Annan Plan have encouraged an unprecedented unlawful exploitation of occupied properties in northern Cyprus, something alluded to even in statements by officials of the occupying power itself.

The most paramount feature of any settlement is the ability to install a sense of security to the people. The mistakes of the past must not be repeated. Cyprus must in its future course, proceed without any grey areas with regard to its sovereignty or its relation to third states. If the people feel that their needs have not formed the basis of any solution reached or that the characteristics of this solution have been dictated by the interests of third parties, then this solution will unsurprisingly be bypassed. Indeed, the spirit and practice of effective multilateralism not only encompasses, but also derives from, the comprehension and consideration of local realities and particulars, on which it must then proceed to formulate proposals.

This should not be interpreted by third parties as a lack of will to solve the Cyprus problem. Instead, it must be unequivocally understood that the people who will have to live with this solution are in the best position to judge what is suitable for them, that it is imperative for the people to be called upon to ratify any plans that are drawn to this effect, and that their verdict must be respected.

In the framework of the European Union, and with the aim of promoting reunification and reconciliation, my Government, despite the obstacles placed by the current status quo, is consistently pursuing policies aiming to enhance the economic development of the Turkish Cypriots. While not intended to serve as a substitute for a solution, such policies are in our view the most effective way to foster the maximum economic integration of the two Communities, and increase contact between them, so as to ensure the viability of a future solution.

Responding to the expanding possibilities on the ground, we have intensified our efforts to ameliorate the situation and seek ways to benefit citizens. In this context, my Government has recently proposed the withdrawal of military forces from sensitive areas and refraining from military exercises, the opening of eight additional crossing points across the cease fire line and the facilitation of the movement of persons, goods and services across the Green Line, as well as the extension of the so far unilateral demining process initiated by my Government.

We have also declared our readiness to make special arrangements whereby Turkish Cypriots will utilize Larnaca Port for the export of their goods. Furthermore, subject to the area of Varosha being returned under the control of the Government of Cyprus and to its legitimate inhabitants, we could accommodate the lawful operation of the port of Famagusta.

The Cyprus problem is not always perceived in its correct parameters. The fact remains that this problem is the result of a

military invasion and continued occupation of part of the territory of a sovereign state. This fact should not be conveniently overlooked in people's perception, by concentrating on peripheral parameters. Any initiative to solve the problem must have at its core, this most basic and fundamental fact and be based on the premise that international legality must be served and the occupation lifted.

Unfortunately, the fundamentals of the situation on the ground remain unchanged for the past 30 years since the Turkish invasion in Cyprus. This situation is one comprising of severe violations of the most fundamental human rights. The yet unresolved issues of the missing persons, an issue of a purely humanitarian nature, as well as that of the enclave of the Karpass peninsula, are in themselves an indication of Cyprus' enduring suffering. This should not only point towards the specifics of the solution to be pursued but must also guide our actions with regard to managing the current status quo. For instance, the United Nations Force in Cyprus (UNFICYP), assigned with the task to manage the status quo inflicted 30 years ago, should remain specific to the situation on the ground.

The accession of Cyprus to the European Union, in conjunction with the lack of an agreement on the settlement of the Cyprus problem, in spite of our efforts and our preference for a settlement prior to accession, signifies the end of an era and the beginning of a new one. I firmly believe that the new context defined by the accession of my country to the EU and by the expressed will of Turkey to advance on the European path offers a unique opportunity and could have a catalytic effect in reaching a settlement in Cyprus. Our vocation is to be partners and not enemies.

Hence, in this new era, we plea to Turkey, to join us in turning the page and seeking ways to mutually discover, mutually beneficial solutions to the various aspects that compose the Cyprus problem. The mere realization that peace and stability in our region serve the interests of both our countries is ample evidence to prove that what unites us is stronger than what divides us.

THE RECOGNITION OF COMMISSIONER BRADLEY M. CAMPBELL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. PALLONE. Mr. Speaker, I rise today to acknowledge the work and tireless efforts of Commissioner Bradley M. Campbell. In the time that I have known Commissioner Campbell, I have found him to be a man of great integrity, courage, and dedication towards everything he does. This weekend, Mr. Campbell will be the recipient of the ''Big Kahuna'' award from the Surfers' Environmental Alliance. As New Jersey's Environmental Commissioner, I can say with great certainty, that through his work, Bradley Campbell is a truly deserving recipient of such an award.

In surfing circles a Kahuna is recognized as a respected elder of the sport, and a mentor to young surfers. Past recipients of the award have included surf shop owners, surf team managers, athletes or leaders in various environmental initiatives that have championed the sport. All these individuals have two things in common—they have had a great love and respect for the sport of surfing, and they have—in their own ways—encouraged and preserved the sport for everyone to enjoy.

Commissioner Campbell is truly an advocate for the sport of surfing as well as various environmental causes that are significant to surfers, as well as all individuals who care about the preservation of our beaches and the well being of our environment. Through his position as Commissioner of the Department of Environmental Protection, he has strengthened New Jersey's environmental laws and greatly improved the quality of our state's natural resources. Prior to assuming his position as Commissioner, Brad had a distinguished record of service, which included serving as the Associate Director of the White House Council on Environmental Quality (CEQ), and later, being appointed by President Clinton as the Regional Administrator (Mid-Atlantic Region) of the Environmental Protection Agency.

Mr. Speaker, once again I ask that my colleagues join me in congratulating Commissioner Campbell on his award, and I would like to extend my gratitude for all his years of hard work and genuine commitment.

MARRIAGE PROTECTION AMENDMENT

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 2004

Ms. ESHOO. Mr. Speaker, I come to the floor today to express my strong opposition to what is an assault on our Constitution, H. J. Res. 106, the Marriage Protection Amendment.

Constitutional amendments can never be taken lightly. Our Constitution has been amended only twenty-seven times in the two centuries since our country was founded, but it's never been amended to limit the civil rights of a specific group of people as we are doing here today.

Few policy issues are more grounded in the jurisdiction of the fifty states than the laws of marriage. As Vice President CHENEY said in a recent interview, ''Historically, that's been a relationship that's been handled by the states,'' and ''States have made the basic fundamental decision [as to] what constitutes a marriage.'' I agree with the Vice President. Should this legislation pass, not only would state courts be prohibited from recognizing same-sex marriages, but states would also be prohibited from enacting legislation to grant same-sex marriages through referendum, ballot initiative, or even through their own state constitutional amendment process, even in states where the majority supports it.

As I strongly oppose the content of this legislation, the Majority's motivation to consider it today is raw politics. Bringing this legislation up weeks before our national elections, divides this nation even further at a time when critical issues and needs must be addressed. We should be using this time to focus on the recommendations of the 9/11 Commission; on the restructuring of our intelligence community; on protecting our ports, nuclear facilities and other potential targets from terrorists; on the rising health care costs in this country; on the loss of jobs throughout this country; on reducing our spiraling budget deficit; or on the rapidly deteriorating situation in Iraq. Instead, one month before the election, we're debating an amendment to our Constitution that has no hope of enactment, but merely because the Republican Majority believes they will be able to score points with this ill-begotten bill.

Mr. Speaker, I urge my colleagues to oppose this legislation and get back to work on the critical needs facing America.

TRIBUTE TO CARL OSTROM

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. McDERMOTT. Mr. Speaker, I rise today to ask the House to join with me to recognize and honor 86–year-old Carl Ostrom, from Seattle. The nationally acclaimed non-profit ''Experience Works,'' which recognizes outstanding contributions by seniors in its annual Prime Time Awards Program, selected Mr. Ostrom as their 2004 Outstanding Older Worker from the State of Washington. It is an honor well deserved.

Mr. Ostrom helps to make the world a better place through his leadership at the University District Food Bank in Seattle, which assists 800 families every week.

Mr. Ostrom serves as the part-time operations manager, overseeing the critical work of delivery and distribution of food. Remarkably, Carl Ostrom has been involved with the University District Food Bank for 17 years.

Carl's unselfish deeds and extraordinary commitment to give back to his community are an inspiration. Carl Ostrom proves, again, that senior citizens can make lifelong contributions to their community and their country. I congratulate Carl Ostrom for being selected the 2004 Outstanding Older Worker in the State of Washington, and I look forward to his continued role in making the world a better place.

MARRIAGE PROTECTION AMENDMENT

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 2004

Mr. WAXMAN. Mr. Speaker, I rise in strong opposition to House Joint Resolution 106, which would deny basic rights under the Constitution to gays and lesbians. This resolution is a cynical ploy to foster division and diversion for the election campaign. Even its strongest proponents know it has no chance of passing.

Two short months ago, the House passed unprecedented legislation that would strip the federal courts of the ability to decide the constitutionality of The Defense of Marriage Act. And today the House will vote on whether to use the very document that guarantees our liberties and protections to restrict the rights of one group of Americans.

Throughout U.S. history, the states have been responsible for marriage and family law. Thirty-eight states have already acted to define marriage as the union of a man and woman and no state has adopted legislation

that would define marriage differently. This year alone, voters in eleven states will consider amendments to their state constitutions barring gay marriage.

The charade on the House floor today is a strategy to change the subject, and I certainly can't blame the Republican Party for wanting to distract voters from their record. That is why the Republican leadership bypassed the committee of jurisdiction and brought H.J. Res. 106 directly to the floor in the middle of the campaign season.

THE INAUGURATION OF A NEW PRESIDENT AT MIDDLEBURY COLLEGE

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. SANDERS. Mr. Speaker, it is with great pleasure that I recognize the October 10th inauguration of Dr. Ronald D. Liebowitz as the sixteenth president of Middlebury College. Middlebury is one of the nation's finest liberal arts colleges. We in Vermont are proud that we have, in our midst, a beacon of learning for students all across the nation.

Dr. Liebowitz was chosen as Middlebury's forthcoming president after a five-month search during which 400 prospective candidates were reviewed. Despite the fact that the prestigious position attracted many of the nation's foremost educators, Middlebury selected one of its own, the third time it has chosen a member of its faculty to head the institution. His able predecessor, John McCardell, was also a longtime faculty member when he became president in 1992, and Dr. McCardell's thirteen-year leadership has amply confirmed Middlebury College's confidence that its own faculty have some of the finest minds and some of the most humane administrative abilities that can be found in the entire nation.

A professor of geography, Dr. Liebowitz is a widely recognized authority on Russian economic and political geography. Dr. Liebowitz has served as provost and executive vice president of Middlebury College since 1997. Earlier, he served for two years as dean of the faculty. During his administrative years he played a significant leadership role in the internationalization of the curriculum, including the introduction of innovative interdisciplinary, team-taught senior seminars in international studies, the establishment of a new major in international studies, and the strengthening of the program in international politics and economics.

We in Vermont welcome his leadership as he shepherds this outstanding college into the future. We look forward to a rich partnership as Middlebury brings its student and faculty resources to bear on helping us address Vermont's, and the nation's, problems and priorities. And in these difficult times, we have confidence that Middlebury's long-standing choice to focus on international affairs will educate yet more generations of students to look outward, to recognize that they have a dual obligation: to work for domestic justice by helping those in America who are less fortunate than themselves, and to work for international justice by giving support to foreign nations as they attempt to realize social justice for their own citizens.

RECOGNIZING THE 100TH ANNIVERSARY OF THE BELLEVILLE SHOE MANUFACTURING COMPANY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 100th Anniversary of the Belleville Shoe Manufacturing Company located in my hometown of Belleville, Illinois.

Founded in 1904, Belleville Shoe produced their first military footwear for World War I in 1917 and continues providing footwear to each branch of our Nation's military and law enforcement personnel.

The original group of investors for Belleville Shoe was of German descent: Adolph Knobeloch, H.E. Leunig, Joseph Reis, James Rentchler, and William Weidmann. Reis was named president, but it was Weidmann, the company's secretary-treasurer, who had introduced the shoe-factory idea. The company began operations in the former Rentchler machine shops at East B and Delmar streets. Born in Belleville, William Weidmann was one of eight children of a German immigrant couple. His parents arrived in the area in the second half of the nineteenth century. By the time he was gathering investors for the company, he and his wife Caroline (Leunig) had two sons, William and Walter.

In the same year that Belleville Shoe was incorporated, Walter graduated from the St. Louis Manual Training School. Soon thereafter, he joined the company as the operational manager. Walter directed Belleville Shoe's operations successfully through the Great Depression, World War II, and into the 1950s. Through the 1960s, 1970s, and into the mid-1980s, Walter's son, Homer Weidmann led the company. Today, William Weidmann's great-grandson, Eric R. Weidmann, is the president.

In its beginnings, the Belleville Shoe Company produced everyday footwear for men and boys. During World War I, the company produced its first line of combat boots for the military. With the end of World War I, the factory again started producing more than 25 styles of shoes. During this time, the company became the first in the Belleville area to offer worker incentives and daily attendance was rewarded with profit bonus and a life insurance policy.

By the time Belleville Shoe celebrated its 25th anniversary, the company employed 300 people and manufactured about two thousand pairs of shoes daily. Like many companies in that day, Belleville Shoe struggled during the Depression—it was a military contract, which was again awarded to produce military footwear for World War II, that brought the company back to the heavy production schedules it had during World War I.

By the end of World War II, Belleville Shoe had earned an award for continued on-time delivery throughout the conflict. It was during this period that the strong relationship with our Nation's military was forged, permitting Belleville Shoe's claim to be ''the country's oldest and largest supplier of military footwear.'' From 1940 to the present, Belleville Shoe Manufacturing has provided a continual flow of military boots to various divisions of the nation's armed forces.

In terms of its dress shoe production lines, from the 50's up until the 70's, Belleville Shoe experienced significant declines in production of dress shoes. During the 70's, Belleville Shoe increased production of their sports shoe lines. These sport lines of track, baseball and football shoes were produced in Belleville and sold under the Rawlings brand name. By the mid-1980s, however, shoe imports of all types increased in the United States, particularly sports shoes and Belleville Shoe began to focus exclusively on military products. Production needs during this time also increased the requirements for additional space and heavier equipment to produce larger quantities of military shoes. In 1986, a new facility was opened in the Belle Valley Industrial Park in Belleville to accommodate this production.

During Operation Desert Storm in the early 1990s, Belleville Shoe was again called upon to dramatically increase the military's supply of footwear. The design and material of the traditional black all-leather combat boot was changed to suit the conditions in the Persian Gulf A desert-colored, suede and nylon boot with insulation to protect against the desert heat was created and shipped out. These boots are in use today in operations in the middle-east and throughout the world.

In this, its 100th year, Belleville Shoe is the largest supplier of military boots to our U.S. Armed Forces. With two plants, one in Belleville, Illinois and DeWitt, Arkansas, the company is producing over 1,000,000 pairs of shoes annually.

And today, as in 1917, their boots are Made in the USA. Wherever U.S. military forces have walked, Belleville Shoe footwear has been on duty.

Mr. Speaker, I ask my colleagues to join me in recognizing the 100th Anniversary of the Belleville Shoe Company, it's Company President Eric Weidmann and all of the men and women at Belleville Shoe Manufacturing Company.

IN RECOGNITION OF THE EIGHTH AVENUE SENIOR CENTER'S 11TH ANNIVERSARY CELEBRATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Ms. VELÁZQUEZ. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to recognize the 11th anniversary of the Brooklyn Chinese American Association's Eighth Avenue Senior Center.

The Eighth Avenue Senior Center is part of the Brooklyn Chinese-American Association (BCA), which has been serving the growing Asian-American population in the Sunset Park, Borough Park, and Bay Ridge communities of Brooklyn for the past 17 years, as a human services and community development organization.

Today, the BCA's Eighth Avenue Senior Center touches the lives of over 3,000 elderly residents in the area, and offers services to over 250 seniors on a daily basis. The center provides older Asian-Americans with a variety

of enriching educational programs and recreational activities.

Over the past 11 years, the Eighth Avenue Senior Center has integrated a variety of services integral to this elderly population, which it otherwise would not have had access to. This includes providing meals, bilingual information, English and citizenship classes, health services, and housing assistance.

This center also plays an important role in coordinating town hall meetings, assisting senior members in meeting their housing needs, and educating the community on the importance of exercising their voting rights. Because of these services, the Eighth Avenue Senior Center creates a sense of community and enhancement for the elderly population living in Brooklyn.

Therefore, Mr. Speaker, I rise today to honor the 11th anniversary of the Eighth Avenue Senior Center, and join with my colleagues in the House of Representatives to recognize their outstanding service to the elderly Asian-American population in Brooklyn.

NUCLEAR MEDICINE WEEK

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. MORAN of Virginia. Mr. Speaker, Mr. WOLF and I rise today to remind our colleagues that this week, October 3 through October 9, is Nuclear Medicine Week. Nuclear Medicine Week is the first week in October every year and is an annual celebration initiated by the Society of Nuclear Medicine. Each year, Nuclear Medicine Week is celebrated internationally at hospitals, clinics, imaging centers, educational institutions, corporations, and more.

We are particularly proud to note that the Society of Nuclear Medicine is headquartered in Reston, Virginia. The Society of Nuclear Medicine is an international scientific and professional organization of more than 15,000 members dedicated to promoting the science, technology and practical applications of nuclear medicine. We commend the Society staff and its professional members for their outstanding work in the field of nuclear medicine and for their dedication to caring for people with cancer and other serious and life-threatening illnesses that can be diagnosed, managed, and treated with medical isotopes via nuclear medicine procedures.

With nuclear medicine, health care providers can use a safe, noninvasive procedure to gather information about a patient's condition that might otherwise be unavailable or have to be obtained through surgery or more expensive diagnostic tests. Nuclear medicine procedures often identify abnormalities very early in the progression of a disease—long before some medical problems are apparent with other diagnostic tests. This early detection allows a disease to be treated early in its course, when there may be a more successful prognosis.

An estimated 16 million nuclear medicine imaging and therapeutic procedures are performed each year in the United States. Of these, 40–50 percent are cardiac exams and 35–40 percent are oncology related. Nuclear medicine procedures are among the safest diagnostic imaging tests available. The amount of radiation from a nuclear medicine procedure is comparable to that received during a diagnostic x-ray.

Nuclear medicine tests, also known as scans, examinations, or procedures, are safe and painless. In a nuclear medicine test, small amounts of medical isotopes are introduced into the body by injection, swallowing, or inhalation. A special camera, PET or gamma camera, is then used to take pictures of your body. The camera does this by detecting the medical isotope in the target organ, bone or tissue and thus forming images that provide data and information about that area of your body. This is how nuclear medicine differs from an x-ray, ultrasound or other diagnostic test—it determines the presence of disease based on function rather than anatomy.

Recently, the Centers for Medicare & Medicaid Services announced its decision to approve coverage of positron emission tomography or PET for Medicare beneficiaries who have suspected Alzheimer's disease. This decision will allow physicians to obtain an early and more definitive diagnosis and to begin treatment at the time when it provides the best chance of prolonging cognitive function for our Medicare beneficiaries.

Some of the more frequently performed nuclear medicine procedures include:

Bone scans to examine orthopedic injuries, fractures, tumors or unexplained bone pain;

Heart scans to identify normal or abnormal blood flow to the heart muscle, measure heart function or determine the existence or extent of damage to the heart muscle after a heart attack;

Breast scans that are used in conjunction with mammograms to more accurately detect and locate cancerous tissue in the breasts;

Liver and gallbladder scans to evaluate liver and gallbladder function;

Cancer imaging to detect tumors and determine the severity, staging, of various types of cancer;

Treatment of thyroid diseases and certain types of cancer;

Brain imaging to investigate problems within the brain itself or in blood circulation to the brain; and

Renal imaging in children to examine kidney function.

Unfortunately, the field of nuclear medicine is not attracting enough incoming students to fill the current demand for nuclear medicine technologists—usually called NMTs. Currently, there is approximately an 18 percent vacancy of NMTs as determined by the American Hospital Association, AHA. By 2010, the Bureau of Labor Statistics, BLS, projects that the U.S. will need an additional 8,000 NMTs to fill the projected demand created by the aging workforce and expanding senior population. Over the next 20 years, the BLS expects that there will be a 140-percent increase in the demand for imaging services. The use of diagnostic imaging services has been increasing by approximately 4 percent a year, even as the number of certified NMTs and registered radiologic technologists has remained stable. As a result, imaging technologists often work longer shifts, and patients can face weeks of delay for routine exams.

A similar situation is developing for nuclear medicine physicians. According to the American Board of Medical Specialties, there currently are 4,087 certified nuclear medicine physicians in the United States. At the same time, the number of physician training programs is also declining, exacerbating the future shortage.

Over the next 20 years, the number of people over the age of 65 is expected to double at the exact same time when the Nation will face shortages of medical personnel—including nurses, NMTs, physicians, laboratory personnel, and other specialists. With an increasing number of people needing specialized care—such as nuclear medicine-coupled with an inadequate workforce, our Nation quickly could face a healthcare crisis of serious proportions with limited access to quality cancer care, particularly in traditionally underserved areas.

We encourage our colleagues to support Nuclear Medicine Week and to support increased funding for programs so that our nation will have a sufficient supply of nuclear medicine physicians and technologists to care for all patients in need of nuclear medicine procedures and related care.

TRIBUTE TO STEPHEN SCOTT ABERNATHY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. PENCE. Mr. Speaker, I rise today to pay tribute to the life of Stephen Scott Abernathy of Centerville, Indiana. He died on Saturday, September 25, 2004 of injuries resulting from a motorcycle accident.

Upon graduating from Centerville High School in 1995, Scott nobly served four years with the United States Marine Corps, where he joined the rugby team. He served as the assistant wrestling coach at Avon High School from 1999–2001 and graduated magna cum laude from Indiana University in 2003.

Scott settled back in Wayne County and became a member of American Legion Post 18 and the Centerville Christian Church.

Mr. Speaker, I express my heartfelt condolences as well as those of the United States Congress to Scott's parents, Stephen and Barbara; his brother, David of Richmond; his niece, Kaytlyn; and his grandparents, James and Josephine Williamson of Munster, Indiana.

Stephen Scott Abernathy was a role model for all Americans and led a life of great quality. All those who knew him well will sorely miss him.

IN HONOR OF THE OPENING OF THE RUBIN MUSEUM OF ART

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. NADLER. Mr. Speaker, it is my great pleasure to rise today to commemorate the opening of New York's newest museum, located in my Congressional District in Manhattan's Chelsea neighborhood. The Rubin Museum of Art (RMA), a cultural and educational institution dedicated to the art of the Himalayan region, opens this week with a series of fascinating exhibitions and programs.

With a collection spanning the 2nd to 19th Centuries, combining a variety of artistic mediums from paintings to stone sculptures and textiles, this museum will showcase a diverse and vast compilation of historical and sacred art. The inaugural exhibitions are certainly a testimony to the comprehensiveness of this artistic display. Each of the Museum's six floors and theater level gallery features a different exhibit, with educational wall texts and interpretive panels providing another dimension of thought and understanding for both the casual and more experienced museumgoer. The Museum is also home to a state-of-the-art theater, a classroom, and a space for contemporary and historical photography.

RMA's commitment to serving a broad and diverse audience is further evidenced by the wide range of programs offered. RMA has established an innovative Museum Campus program through which it has forged working relationships with the colleges and universities in downtown Manhattan. The Museum's educational programs bring arts education to many public schools and students from underserved communities. Among the future scheduled events are ArtTalks with the Museum's chief curator, Caron Smith, as well as lectures by noted art historians and professors, and poetry and music by contemporary artists.

I am pleased to congratulate the Rubin Museum of Art and all those whose contributions and efforts made the opening of this creative and new enriching cultural center possible, especially the founders Donald and Shelley Rubin. Lifelong New Yorkers, they have been assembling what is now America's largest collection of Himalayan art for over 25 years. Their desire to give back to the City that they love benefits not only New York and its visitors but the world at large. I am proud to join the artistic community of New York in the celebration of the Rubin Museum of Art and its mission of establishing, preserving and presenting to the public a permanent collection of Himalayan art, which accurately reflects its vitality, complexity and historical significance.

HONORING THE BALDWIN SENIOR CENTER AS THEY CELEBRATE THEIR 25TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to extend my sincere congratulations to the Baldwin Senior Center Stratford, Connecticut, as they celebrate their 25th Anniversary. This is a remarkable milestone for an organization dedicated to enriching the lives of Stratford's seniors.

Senior centers play a vital role in our communities and this is especially true of the Baldwin Senior Center. All too often, what are supposed to one's ''golden years'' are filled with struggles. Health concerns, increasing health care costs, the loss of independence—these are just some of the challenges our seniors face. Perhaps even more devastating is the sense of loneliness that can come as one moves through their later years. Providing invaluable programs and services, senior centers make a real difference in the lives of some of our most vulnerable citizens. That is why they are so important to our seniors and our communities.

In addition to regular daily activities—which include bingo, book discussions, yoga, quilting classes, and oil painting—the Baldwin Senior Center offers unique opportunities for seniors to get involved with their community. Their knitting/crocheting group made over two dozen hats, scarves, and mittens which were donated to Stratford's South End Community Center. Over 120 seniors and students from Bunnell High School participated in a ''Senior Prom'' as a fundraiser for the Relay for Life, the American Cancer Society's annual funding drive. The Community Service group organized a project during the summer which had seniors reading books to youngsters from the town's minority center. And seniors sponsored a cupcake bake sale, using the proceeds to buy books which they brought to the South End Community Center. All of these activities ensure that the seniors stay active and involved which makes all the difference—both in their lives and those of many others.

Just as important as the activities are the services which are provided at the Center. Executive Director Diane Puterski is joined by several dedicated staff who work hard to ensure Stratford's seniors have access to the care and benefits they need. Outreach Coordinator Marie Gunman provides services to homebound adults and those who choose not to use the Center by making home visits to people needing information or who are referred to the Center by other agencies as being in need. Lisa Stone manages the program which provides help with entitlements and benefits including Medicare, energy assistance, Medigap insurances, ConnPACE, and Title XIX among others. Diane Russo coordinates the Family Caregivers Support Program which is funded by the Southwest Area Agency on Aging. Through this program, she provides support, information, and education to persons caring for older adults with chronic illnesses, such as Alzheimer's Disease. Together, the staff of the Baldwin Senior Center are improving the quality of life for our seniors. An unequaled resource for seniors and their families, the Baldwin Senior Center is a true community treasure.

Always welcomed with open arms and warm smiles, I have enjoyed the time I have had the opportunity to spend at the Baldwin Senior Center. As they celebrate their Silver Anniversary, I am proud to stand today and extend my sincere congratulations on this special occasion as well as my very best wishes for many more years of unparalleled service to their community.

IN RECOGNITION OF MR. SONNY HALL, INTERNATIONAL PRESIDENT OF THE TRANSPORT WORKERS UNION, ON THE OCCASION OF HIS RETIREMENT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mrs. MALONEY. Mr. Speaker, I rise to salute Mr. Sonny Hall, international president of the Transport Workers Union, on the occasion of his retirement. Sonny Hall is a trailblazing leader of the trade union movement who throughout his life has selflessly devoted himself in service to our Nation, his family, and the union members whom he has led so ably for generations.

As International President of the Transport Workers Union of America, Sonny Hall has represented more than 100,000 men and women employed in the Nation's transportation and allied industries. Prior to his election to this post at the Union's 19th Constitutional Convention in October 1993, he served as president of Transport Workers Union Local 100, the largest local union of TWU, representing nearly 38,000 members who operate the lifelines of New York City, its extensive network of subway trains and its public and private bus lines.

Over the course of his long and distinguished career, Mr. Hall served in virtually every union position, from shop steward all the way up to the very pinnacle of the labor movement. He was named president of Local 100 in May 1985 and subsequently elected to full 3-year terms in December 1985, 1988 and 1991. He first joined the Transport Workers Union in 1950 as a bus cleaner for the old Omnibus Corporation, and became a bus operator in 1957. In between, he served tours of duty in both the U.S. Marine Corps and the U.S. Army. Elected an international vice president at the Transport Workers Union's Seventeenth Constitutional Convention in September 1985, he was appointed executive vice president by the International Executive Council on January 9, 1989, acid was subsequently elected to that post for a 4-year term at the Union's 18th Constitutional Convention in October 1989.

Mr. Hall went on to be elected secretary treasurer to the AFL–CIO Transportation Trades Department in 1995, and was elected to the AFL–CIO's Executive Council at the Federation's convention in October 1995. Throughout his career, he always served both his fellow union members and the transit-riding public with courageous, calm, clear-headed and effective leadership.

Sonny Hall studied military and criminal law at the University of New Mexico, and graduated with a bachelor of arts degree from the Cornell University Labor College. He is the son of a retired New York City bus operator who served the riding public for three decades and was an early member of Transport Workers Union Local 100. Sonny Hall and his wife, Maureen, are proud parents of a son, Kevin Hall.

In recognition of his outstanding accomplishments, I ask my colleagues to join me in honoring Mr. Sonny Hall on the occasion of his retirement.

CONGRATULATING THE OKLAHOMA EXPOS

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. SULLIVAN. Mr. Speaker, I rise today to honor the Oklahoma Expos, who won the age 14 and under United States Specialty Sports Association's USSSA youth baseball championship on July 18.

This fine group of kids from the First District of Oklahoma was able to defeat close to 90

teams from 15 states in order to win their division's World Series. Needless to say, I am very proud of every member of the roster, all of whom can rightfully call themselves champions.

Of course, they were only able to accomplish this feat through years of hard work and dedication, not to mention teamwork. During their time together, not only did these kids learn how to win at the game of baseball, but also how to win at the game of life. For, whether it be on the baseball fields of Tulsa, Oklahoma or here in the House of Representatives, magical things can happen when people put aside their differences and work together for a common cause. In fact, as I stand here today, I wonder if some of the members of this great body couldn't learn a thing or two from these kids about teamwork.

As we all know, getting a group of 14 year olds to come together as a team does not happen just by chance, there has to be a guiding force. Thus, I would also like to acknowledge the coaches and parents of the Oklahoma Expos for spending so much time with these boys in order to help mold them into champions on the field and off. Your unquestioned dedication to giving back to the community and raising tomorrow's leaders is commendable.

TRIBUTE TO KRISTEN ADELMAN

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to Kristen Adelman who was a member of the Tour of Hope bike ride across America. On Oct. 1, 2004, Kristen joined six-time Tour de France winner Lance Armstrong in a relay bike ride from Los Angeles, CA to Washington, D.C. to help inform the public about the importance of cancer clinical trials.

Kristen is a cancer survivor who has survived three recurrences of an aggressive form of lymphoma. In remission for more than 18 months, Kristen was selected to join 20 other cyclists, including Lance Armstrong, in the eight-day, life-affirming journey across America. Other participants included cancer survivors, physicians, nurses, researchers and advocates who all share one mission—to find a cure for cancer.

Kristen is from Elkridge, MD where she teaches algebra and physical education at the St. Augustine School. She was an active triathlete and marathon runner before her diagnoses of cancer. In fact, while going through treatment, she continued to run and ride her bike.

To prepare for the Tour of Hope, Kristen went through a rigorous 16-week training program. She undertook this ride because she wanted to draw attention to the importance of cancer research. Kristen understands that the only way to find a cure for cancer is through clinical trials, which will help identify safe and effective drugs.

I hope my colleagues in the U.S. House of Representatives will join me in offering our gratitude and appreciation to Kristen for her generosity of spirit and fortitude. It is precisely this type of commitment that will allow us to conquer cancer.

MARRIAGE PROTECTION AMENDMENT

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 2004

Ms. DELAURO. Mr. Speaker, I rise in strong opposition to this amendment, which would mark the first time in our Nation's history that the Constitution would be amended to restrict the civil rights of a specific group, rather than to expand rights.

I do not support changing the definition of marriage, and in fact, I voted in favor of the Defense of Marriage Act. But like former Republican Congressman Bob Barr, who authored that bill, I oppose this Constitutional amendment. I believe that each state should have the ability to decide family matters for themselves, rather than having the federal government dictate what they must do.

I strongly support recognizing civil unions to give partners the right to access of health benefits, visiting rights at hospitals, pensions, and other benefits granted to committed married partners. These are rights that other Americans are able to take for granted, and frankly it's difficult to believe that in the 21st Century we need to fight to guarantee those rights. But this amendment would prevent civil unions and domestic partner benefits, again, forbidding states and the District of Columbia to decide for themselves whether they want to allow those benefits.

It is wrong to casually amend our Constitution simply to score a political point. This vicious debate is below the dignity of the House. I hope my colleagues will reject the politics of hate and intolerance, and oppose this amendment.

IN RECOGNITION OF THE PHILLIPS BETH ISRAEL SCHOOL OF NURSING ON ITS CENTENNIAL CELEBRATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mrs. MALONEY. Mr. Speaker, I rise to salute the Phillips Beth Israel School of Nursing on the occasion of the centennial anniversary that it celebrates on October 9th and 10th, 2004.

For one hundred years, the Phillips Beth Israel School of Nursing has been one of the leading centers of professional nursing education in the United States. As with so many institutions in New York City, its roots first grew in Lower Manhattan, where it was founded as an adjunct to its namesake, Beth Israel Medical Center, the outstanding health care institution with which it has been so closely connected throughout its history.

Created shortly after the establishment of the Beth Israel Hospital, the School of Nursing was first officially chartered by the New York State Board of Regents in 1904. Thus began its progression toward excellence, a standard that the School quickly met and proudly upholds to this day.

Since its inception as a degree-granting institution, the Phillips Beth Israel School of Nursing has undergone significant changes reflective of the evolving nature of health care delivery over the course of the last century. During World War II, the Beth Israel Training School for Nurses, as it was then called, participated in the U.S. Cadet Nursing Program under the terms of the Bolton Act, which provided subsidies to train nursing students for combat duty. As that great conflict was ending, Seymour J. Phillips, a Beth Israel trustee, Chairman of the Phillips Van Heusen Company, and a leading philanthropist of the day, became Chairman of the School, which was renamed in his honor four decades later. In 1978, the School of Nursing received approval to grant the degree of Associate in Applied Science in Nursing. A major academic affiliation was established in 1983 with Pace University offering the liberal arts component of the curriculum. The Phillips Beth Israel School of Nursing also has entered into articulation agreements with Pace and New York University to offer its students the opportunity to pursue a baccalaureate degree.

In 1985, the Phillips Beth Israel School of Nursing received full accreditation from the National League for Nursing, and was reaccredited in 2002 for a full eight years. Under the able leadership of its current Dean, Janet Mackin, RN, EdD, the School continues to advance its mission with a view to its long term future, and is preparing to move into new facilities located at 6th Avenue and 27th Street in Manhattan. Its current curriculum prepares graduates to practice nursing in the realities of today's health care system, but throughout its century-old tradition of excellence, it has maintained a constant goal: educating nurses to practice with a philosophy of caring and compassion.

Mr. Speaker, I ask my colleagues to join me in saluting a century of achievement by a proud New York institution, the Phillips Beth Israel School of Nursing.

IN HONOR OF DR. FRANCISCO OSVALDO CORTINA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Dr. Francisco Osvaldo Cortina for his lifelong dedication to practicing medicine and serving others. Dr. Cortina was honored by the Association of Villaclareños at their annual banquet on October 3, 2004, in Union City, New Jersey.

As a respected physician, Dr. Cortina has devoted more than 32 years to helping people. He began his medical career in his hometown of Santa Clara, Cuba, after graduating from the University of Havana. After immigrating to the United States in 1967, he opened a practice in Petersburg, VA, and later relocated to New Jersey. Dr. Cortina completed his general practice residency at St. Mary's Hospital in Hoboken, where he became the chief resident and graduated in 1972. He then opened practices in Hoboken and Union City.

Dr. Cortina is the son of Spanish immigrants and is married to his high school sweetheart, Hortensia. They have two sons who have proudly carried on the medical tradition and are also physicians.

Today, I ask my colleagues to join me in honoring Dr. Francisco Osvaldo Cortina for his outstanding career as a physician, which has spanned multiple decades, cities and countries. His contributions throughout the years have affected the lives of many, and the wisdom he has passed on to his children will no doubt continue to help the New Jersey medical community in the years to come.

CONGRATULATING AIR NEW ZEALAND

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Ms. DUNN. Mr. Speaker, on behalf of the U.S. Congress, Mr. INSLEE, Mr. BAIRD, Mr. NETHERCUTT, Mr. SMITH of Washington, Mr. DICKS, Mr. LARSEN of Washington, Mr. HASTINGS of Washington, Mr. MCDERMOTT, and myself, congratulate Air New Zealand for its recent decision to upgrade its wide-body fleet by placing an order with The Boeing Company for eight 777–200ERs and two 7E7s, Boeing's newest airplane. Air New Zealand's order of the Boeing 7E7 makes it the second official customer for this revolutionary new aircraft.

This decision clearly demonstrates Air New Zealand's commitment to the world's best technology and long-term view of the airline's place in commercial aviation. It is with great pride and gratitude that we applaud Air New Zealand's purchase of American-manufactured aircraft.

RECOGNIZING THE SELECTION OF DALE GLYNN AS MICHIGAN HIGH SCHOOL PRINCIPAL OF THE YEAR

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize Dale Glynn of Everett High School in Lansing, Michigan for being named Michigan High School Principal of the Year. Mr. Glynn was presented with this honor by the Michigan Association of Secondary School Principals on September 27, 2004.

During his tenure as Principal, Dale Glynn has striven to provide his students with access to the best education by developing rewarding after school programs and creating an environment of inclusiveness for all of the students at Everett High School. Mr. Glynn has been honored by his peers and is loved by his students because of his steadfast commitment and determination to provide his urban school the same access to quality education as suburban counterparts.

Mr. Speaker, providing quality public education to all our nation's students has been a top priority of this Congress. Educators like Dale Glynn who make tremendous strides to providing high caliber education to all students must be recognized and commended. I ask my colleagues to join me in recognizing Dale Glynn for being named Michigan High School Principal of the Year.

CONSTITUTION WEEK AND CIVIC EDUCATORS

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. HULSHOF. Mr. Speaker, the Constitution states: ''This great nation of ours was founded in order to form a more perfect Union, establish Justice, insure domestic tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.''

These words echo the principles that have served our nation well for the past 228 years. It is of paramount importance that today's youth have a firm grasp of the principles and ideals outlined in this hallowed document.

Mr. Speaker, as you may know, President Bush declared September 17th through September 23rd Constitution Week to commemorate the September 17, 1787 signing of the Constitution. I rise today to recognize Constitution Week and to honor civic education leaders and programs that have played an integral role in educating Missouri's youth about the Constitution.

One exemplary program worthy of particular praise is We the People: the Citizen and Constitution. This program educates students in junior high and high school on the merits of a Constitutional democracy and discusses the material in a manner that provides relevance to the students and creates a model for student civic life.

I want to draw particular praise for Millie Aulbur, who is the Director of Law-Related Education for the Missouri Bar. She has been a pillar in the civic education community, and her diligent work and strong leadership have vastly improved civic education programs in my home state. Likewise, she has been extremely effective in raising awareness of this issue with Missouri's Congressional delegation. Millie has recently succeeded in establishing a coalition of civic education leaders, known as the Advisory Committee for Civic Education of the Missouri Bar. I have known Millie since before coming to Congress, having served with her in the Missouri Attorney General office. I can say unequivocally that she is one of the finest and hard-working individuals I know. Her commitment to civic education and Missouri's youth is highly commendable.

Without these civic education programs and leaders, we run the risk that future generations of Americans will lack knowledge of the document upon which our democracy is based. Millie Aulbur's efforts set a fine example, and I urge my colleagues to learn more about civic education programs in their Congressional districts and to assist these valued civic educators in this noble endeavor.

PIRACY DETERRENCE AND EDUCATION ACT OF 2004

SPEECH OF

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2004

Mr. SMITH of Texas. Mr. Speaker, I wish to offer some additional information and guidance on several sections of H.R. 4077.

Section 12 of H.R. 4077 is called the ''Family Movie Act of 2004.'' The Committee has made changes to the Committee reported language to better enable the provision to achieve its purpose: to empower people to use technology to skip and mute material that they find objectionable in movies, without impacting established doctrines of copyright or trademark law or those whose business model depends upon advertising. This amendment to the law should be narrowly construed to affect its intended purpose only. The sponsors of the legislation have been careful to tailor narrowly the legislation to clearly allow specific, consumer-directed activity and not to open or decide collateral issues or to affect any other potential or actual disputes in the law.

The substitute amendment we offer today makes clear that, under certain conditions, ''making imperceptible'' of limited portions of audio or video content of a motion picture—that is, skipping and muting limited portions of movies without adding any content—as well as the creation or provision of a computer program or other technology that enables such making imperceptible, does not violate existing copyright or trademark laws. That is true whether the movie is on prerecorded media, like a DVD, or is transmitted to the home, as through services like ''video-on-demand.''

The core provision of the Family Movie Act lies in Section 2, which creates a new exemption at section 110(11) of the Copyright Act. This new exemption sets forth a number of conditions to ensure that it achieves its intended effect while remaining carefully circumscribed and avoiding any unintended consequences. The conditions that allow an exemption, which I will discuss in more detail in a moment, consist of the following:

The making imperceptible must be ''by or at the direction of a member of a private household.'' This legislation contemplates that any altered performances of the motion picture would be made either directly by the viewer or at the direction of a viewer where the viewer is exercising substantial choice over the types of content they choose to skip or mute.

The making imperceptible must occur ''during a performance in or transmitted to the household for private home viewing.'' Thus, this provision does not exempt an unauthorized ''public performance'' of an altered version.

The making imperceptible must be ''from an authorized copy of a motion picture.'' Thus, skipping and muting from an unauthorized, or ''bootleg'' copy of a motion picture would not be exempt.

No ''fixed copy'' of the altered version of the motion picture may be created by the computer program or other technology that makes imperceptible portions of the audio or video content of the motion picture. This provision makes clear that services or technologies that make a fixed copy of the altered version are not afforded the benefit of this exemption.

No changes, deletions or additions may be made by the computer program or other technology to commercial advertisements, or to network or station promotional announcements, that would otherwise be performed or displayed before, during, or after the performance of the motion picture. This requirement makes plain that devices or services that provide for automated ''ad-skipping'' do not fall within the scope of this exemption.

The ''making imperceptible'' of content does not include the addition of audio or video content over or in place of other content, such as placing a modified image of a person, a product, or an advertisement in place of another, or adding content of any kind.

The portion of the substitute amendment containing the Family Movie Act reflects a number of clarifying changes from the version of the bill reported by the Judiciary Committee.

The substitute amendment makes clear that the ''making imperceptible'' of limited portions of audio or video content of a motion picture must be done by or at the direction of a member of a private household. While this limitation does not require that the individual member of the private household exercise ultimate decision-making over each and every scene or element of dialog in the motion picture that is to be made imperceptible, it does require that the making imperceptible be made at the direction of that individual in response to the individualized preferences expressed by that individual. The substitute amendment envisions that the test of ''at the direction of an individual'' is satisfied when an individual selects preferences from among options that are offered by the technology.

The Committee has used as an example the model of ClearPlay, which appeared before the Subcommittee during hearings on this legislation. ClearPlay provides filter files that allow a viewer to express his or her preferences in a number of different categories, including language, violence, drug content, sexual content, and several others. The version of the movie that the viewer sees depends upon the preferences expressed by that viewer. It is the Committee's view that the current version of ClearPlay falls under the liability limitation of the Family Movie Act.

This limitation would not allow a program distributor, such as a provider of video-on-demand services, a cable or satellite channel, or a broadcaster, to make imperceptible limited portions of a movie in order to provide an altered version of that movie to all of its customers, which would likely violate a number of the copyright owner's exclusive rights, or to make a determination of scenes to be skipped or dialog to be muted and to offer to its viewers no more of a choice than to view an original or an altered version of that film. Some element of individualized preferences and control must be present such that the viewer exercises substantial choice over the types of content they choose to skip or mute.

It is also important to emphasize that the new section 110(11) exemption is targeted narrowly and specifically at the act of ''making imperceptible'' limited portions of audio or video content of a motion picture during a performance that occurs in, or that is transmitted to, a private household for private home viewing. This section would not exempt from liability an otherwise infringing performance, or a transmission of a performance, during which limited portions of audio or video content of the motion picture are made imperceptible. In other words, where a performance in a household or a transmission of a performance to a household is done lawfully, the making imperceptible limited portions of audio or video content of the motion picture during that performance, consistent with the requirements of this new section, will not result in infringement liability. Similarly, an infringing performance in a household, or an infringing transmission of a performance to a household, are not rendered non-infringing by section 110(11) by virtue of the fact that limited portions of audio or video content of the motion picture being performed are made imperceptible during such performance or transmission in a manner consistent with that section.

The substitute amendment also provides additional guidance, if not an exact definition, of what the term ''making imperceptible'' means. The substitute provides that the term ''making imperceptible'' does not include the addition of audio or video content that is performed or displayed over or in place of existing content in a motion picture. This is intended to make clear in the text of the statute what has been expressed throughout the consideration of this legislation, which is that the Family Movie Act does not allow for the addition of content of any kind, including the making imperceptible of audio or video content by replacing it or by superimposing other content over it. In other words, for purposes of section 110(11), ''making imperceptible'' refers solely to skipping scenes and portions of scenes or muting audio content from the original, commercially available version of the motion picture. No other modifications of the content are addressed or immunized by this legislation.

The Committee is aware that some copy protection technologies rely on matter placed into the audio or video signal. We would point out that the phrase ''limited portions of audio or video content of a motion picture'' means what it would naturally seem to mean (i.e., the actual content of the motion picture) and does not refer to any component of a copy protection scheme or technology. It is not our intention that this provision allow the skipping of technologies or other copy-protection-related matter for the purpose of defeating copy protection. Rather, it is expected that skipping and muting of content in the actual motion picture will be skipped or muted at the direction of the viewer based on that viewer's desire to avoid seeing or hearing the action or sound in the motion picture. Skipping or muting done for the purpose of or having the effect of avoiding copy protection technologies would be an abuse of the safe harbor outlined in this legislation and may violate section 1201.

Violating the Digital Millennium Copyright Act, and particularly its anti-circumvention provisions, is not necessary to enable technology of the kind contemplated under the Family Movie Act. Although the amendment to section 110 provides that it is not an infringement of copyright to engage in the conduct that is the subject of the Family Movie Act, the Act does not provide any exemption from the anti-circumvention provisions of section 1201 of title 17, or from any other provision of chapter 12 of title 17. It would not be a defense to a claim of violation of section 1201 that the circumvention is for the purpose of engaging in the conduct covered by this new exemption in section 110(11), just as it is not a defense under section 1201 that the circumvention is for the purpose of engaging in any other non-infringing conduct.

The Committee is aware of companies currently providing the type of products and services contemplated by this Act and found that the Family Movie Act created no impediment to the technology employed by those companies. Indeed, it is important to underscore the fact that our support for this technology and consumer offering is driven in some measure by our desire for copyright law to be respected and to ensure that this technology be deployed in a way that supports the continued creation and protection of entertainment and information products that rely on copyright protection. It is our firm expectation that those rights and the interests of viewers in their homes can work together in the context we have defined in this bill. Any suggestion that support for the exercise of viewer choice in modifying their viewing experience of copyrighted works requires violation of either the copyright in the work or of the copy protection schemes that provide protection for such work should be rejected as counter to legislative intent or technological necessity.

The substitute amendment offered today also provides for an exclusion to the exemption in cases involving the making imperceptible of commercial advertisements or network or station promotional announcements. The Committee heard concerns during the Committee markup that the bill might be read to somehow exempt from copyright infringement liability devices that allow for skipping of advertisements in the playback of recorded television. This is neither the intent nor the effect of the bill. The phrase ''limited portions of audio or video content of a motion picture'' is intended to apply only to the skipping and muting of scenes or dialog of a motion picture and not to the skipping of advertisements. That intent is made clear in the language of the statute by our amendment today, which provides that the new section 110(11) exemption does not apply to the making imperceptible of commercial advertisements, or to network or station promotional announcements, that would otherwise be performed or displayed before, during or after the performance of the motion picture.

The changes made by the substitute amendment are not to be taken to suggest that the Committee intends to express a view on the merits of, or the unresolved legal questions underlying, recent litigation related to so-called ''ad-skipping'' technologies. The Committee intends simply to make clear that this legislation is narrowly targeted to the use of technologies and services that filter out content in movies that a viewer finds objectionable and that it in no way relates to or affects the legality of so-called ''ad-skipping'' technologies.

Because the committee's and the sponsors' intention has been to fix a narrow and specific copyright issue, we seek to avoid unnecessarily interfering with current business models, especially with respect to advertising, promotional announcements, and the like.

The phrase ''commercial advertisements or . . . network or station promotional announcements'' is intended to cover what would naturally be perceived as commercials by most viewers, including traditional commercials that stand independent of the narrative flow of the content of the actual motion picture itself, or promotional announcements made in similar fashion, such as those commonly used to announce upcoming programming offered by the network or other entertainment provider.

Let me offer a few final points with respect to Section 2. During the consideration of this legislation the Committee became aware of a variety of services that distributed actual copies of altered movies. This type of activity is clearly not covered by the Family Movie Act. There is a basic distinction between a viewer

choosing to alter what is visible or audible when viewing a film, the focus of this legislation, and a separate entity choosing to create and distribute a single, altered version to members of the public. It is the sponsor's intent that only viewer directed changes to the viewing experience be immunized, and not the making or distribution of actual altered copies of the motion picture.

On a related point, the committee took notice of conflicting expert opinions on whether fixation is required to infringe the derivative work right under the Copyright Act, as well as whether evidence of Congressional intent in enacting the 1976 Copyright Act supports the notion that fixation should not be a prerequisite for the preparation of an infringing derivative work. The committee and the sponsors take no view of that disputed point of the law and leave that point to future developments in the courts or Congress. This legislation should not be construed to be predicated on or to take a position on whether fixation is necessary to violate the derivative work right, or whether the conduct that is immunized by this legislation would be infringing in the absence of this legislation.

Section 3 of the Family Movie Act provides for a limited exemption from trademark infringement for those engaged in the conduct described in the new section 110(11) of the Copyright Act. The substitute amendment makes several clarifying changes from the version as reported by the Committee.

In short, this section makes clear that a person engaging in the conduct described in section 110(11)—the ''making imperceptible of portions of audio or video content of a motion picture or the creation or provision of technology to enable such making available—is not subject to trademark infringement liability based on that conduct, provided that person's conduct complies with the requirements of section 110(11). This section provides a similar exemption for a manufacturer, licensee or licensor of technology that enables such making imperceptible, but such manufacturer, licensee or licensor is subject to the additional requirement that it ensure that the technology provides a clear and conspicuous notice at the beginning of each performance that the performance of the motion picture is altered from the performance intended by the director or the copyright holder.

Of course, nothing in this section would immunize someone whose conduct, apart from the narrow conduct described by 110(11), rises to the level of a Lanham Act violation.

For example, someone who provides technology to enable the making imperceptible limited portions of a motion picture consistent with section 110(11) could not be held liable on account of such conduct under the Trademark Act, but if in providing such technology the person also makes an infringing use of a protected mark or engages in other ancillary conduct that is infringing, such conduct would not be subject to the exemption provided here.

Finally, regarding Section 10(G), the Committee intends that the government has the burden to prove beyond a reasonable doubt that the service provider is ineligible for a Section 512 safe harbor from monetary relief for performing the function in question. The Committee also intends that courts refer to the legislative history regarding and case law interpreting Section 512 as a guide to interpreting the substantive standards governing whether the service provider is ineligible for Section 512 protection.

MARRIAGE PROTECTION AMENDMENT

SPEECH OF

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 2004

Mr. GRIJALVA. Mr. Speaker, I rise today to express my strong objection to this so-called ''marriage protection'' amendment. Furthermore, I am appalled that we are spending three and a half hours debating this issue when Americans are struggling to cope with much more serious issues, with little or no help from this body.

The sponsors of this bill claim that there is a dire need to amend the Constitution in order to protect and promote the notion of healthy, stable families. I support the notion of ''healthy families'' but I could suggest a number of methods we could use to reach this goal that do not include discriminating against an entire class of American citizens.

We could provide healthcare to the over 40 million uninsured Americans.

We could work to offer a real prescription drug benefit for seniors so they do not need to choose between food and medicine.

We could offer real solutions to create economic opportunity for all.

We could provide the funding necessary to allow all children to go to school in a safe and healthy environment.

We could strengthen programs that combat domestic violence.

We could renew the assault weapons ban.

We do not need to prevent two people who love each other from being legally recognized as such.

These are serious issues that too many Americans struggle with every day. These are serious problems that Congress could address if we had the time and dedication to the real issues. Instead, we stand on the floor today playing party politics on a stage that has being held hostage by the Republican House leadership's election year politics to consider an initiative that the Senate has already overwhelmingly rejected.

Mr. Speaker, I urge my colleagues to vote against this unnecessarily divisive election year proposal.

PAYING TRIBUTE TO FLORIE MASSAROTTI

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to Florie Massarotti, a truly dedicated community leader from Cokedale, Colorado. Florie has been participating in the Boy Scouts for over fifty years, both as a young member and as an adult leader in various positions. The mentorship he has provided to many children in Las Animas County is exemplary, and I would like to join my colleagues here today in recognizing his tremendous achievements before this body of Congress and this Nation.

Florie began his long association and service with the Boy Scouts at the age of twelve in Cokedale. After graduating high school, he stopped participating for several years, during which time the local troop was disbanded. When, in 1958, the Holy Name Society reorganized the troop, Florie volunteered as a third assistant scoutmaster. Two weeks later he became the Scoutmaster. For twenty years, Florie headed his troop, passing on the leadership role to his successor, while assuming a position as a council member. In the 1990's, when the Scoutmaster position was vacated, he took the lead until a replacement was found. Today, in addition to serving as a council member, Florie is a member of the Rocky Mountain Council Executive Board. In recognition for his commendable contributions, Florie was awarded the St. George Award, a Roman Catholic award for adults in Scouting, the 50-year Pin, and the Silver Beaver that is awarded to Scouters with distinguished service.

Mr. Speaker, it is a privilege to honor Florie Massarotti for his half-century of contributions to the Boy Scouts. His actions serve as an example, and it is with great pleasure to recognize him today before this body of Congress and this Nation. Thank you, Florie, and I wish you well with all of your future endeavors.

50 YEARS OF RADIO FREE EUROPE/RADIO LIBERTY BROADCASTING IN UKRAINE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. LANTOS. Mr. Speaker, 50 years ago, Congress authorized a program of U.S. radio broadcasts to Ukraine that had enormous historical importance, and still do today. We know that the transition to democracy and genuine freedom of speech in the former communist countries has never been easy to implement, but such broadcasts are an essential component. Thomas A. Dine, the President of the RFE/RL, is one of my dear and closest friends. He has been a tireless fighter for democracy, human rights, press freedoms, and rule of law in Ukraine and other countries of Eastern Europe and the former Soviet Union. I want to honor his contribution to the cause of freedom and democracy in Ukraine by including this speech he delivered last month in Kharkiv, Ukraine, in the CONGRESSIONAL RECORD.

TODAY'S UKRAINE: THE LACK OF DEMOCRATIC FREEDOMS

(By Thomas A. Dine)

I am in Ukraine at this time for several reasons:

First, to celebrate the 50th anniversary of Radio Liberty's Ukrainian broadcasting service. Radio Liberty has been a source of objective news and information for the people of Ukraine for fifty years—for this fact, I am honored to head Radio Free Europe/Radio Liberty and to be associated with the men and women who have brought first-class journalism to Ukraine's airwaves for half a century. Second, to remind as many Ukrainians as possible that in February 2004, the Kuchma Government kicked Radio Liberty

off the Dovira Radio FM network. Third, to work with media people to try to restore our broadcasts on as many stations as possible as soon as possible. Fourth, to join all of you participating in this Global Fairness Initiatives, IREX, and Ukraine in Europe conference here in Kharkiv.

Today I want to share my experiences and observations about the condition of democratic institutions in general, and free press in particular, in Ukraine. Overall, the Ukrainian people still do not have the full freedoms they deserve. This is the essence of my talk here this morning: after five decades, the Ukrainian people still do not have the full freedoms they deserve. Of course, Ukraine in 2004 is a vastly better place to be than it was in 1954. The tyrannical Soviet Union is no more, and its calculated effort to eradicate Ukrainian culture failed. Ukraine now has a semblance of political independence and free markets.

But I can tell you that for those of us in the business of establishing and protecting freedom of speech and press institutions, Ukraine continues to be a heartache. For example, here's a question for you: What do Pakistan, Jordan, Azerbaijan, Indonesia, Egypt, and Kuwait have in common? Yes, they are all Muslim countries. But besides that, they all, according to the watchdog organization Reporters Without Borders, have more press freedom than Ukraine.

Let me give you a more personal example: Radio Free Europe/Radio Liberty broadcasts to 19 countries today, and each one is important to us. All people, whether they're from large nations like Russia or small nations like Armenia, have the right of unfettered access to news and information. But as the President of RFE/RL, owing to the lack of real press freedom here in Ukraine, starting with the murder of George Gongadze, I have spent more time dealing with Ukraine over the past four years than with any other single country. The condition of press freedom in Ukraine today is poor.

Ukraine is the biggest disappointment among the countries to which Radio Free Europe/Radio Liberty broadcasts. I say this because, while we certainly broadcast to countries less free than Ukraine, no other country's post-Soviet path has diverted so much from the hopes that I, and other western friends of Ukraine, had for it. Ukraine is a potentially rich and beautiful country, with immense potential with a well-educated populace 50-million strong, fertile land, bustling seaports, and a strategic location between the European Union and Russia. But a succession of corrupt governments has squandered this potential. U.S. State Department officials have even invented a term for our feelings of frustration; it is called in Washington, ''Ukraine fatigue.'' Elected American politicians and American foreign policy officials are tired of the Ukrainian leadership's resistance to liberal democratic reforms.

The media environment in Ukraine has one overriding problem, and it's easy to summarize: an overwhelming majority of radio and television stations present only pro-government points of view. Experts who have studied the Ukrainian media have identified three reasons for this.

The first reason is obvious: almost all national TV and radio stations are owned or controlled by government officials and their friends. Two associates of President Kuchma in particular Viktor Medvedchuk, the head of the Kuchma Administration, and Viktor Pinchuk, Mr. Kuchma's son-in-law-control a staggering portion of Ukrainian broadcast media outlets.

The second reason for the dominance of the government's point of view on the airwaves is the widespread use of temniki. As I am sure all of you know, temniki are secret, unsigned daily memoranda sent by President Kuchma's staff to editors of the leading state and private media, instructing them on how to cover a particular story, and on which stories to cover and which to ignore. When the President's office determines the content of the evening news, that is not freedom—that is autocracy. Noted journalist Andriy Shevchenko put it best when he told your Parliament in 2002, ''Television news coverage in Ukraine is done by remote control.''

The third reason for the orthodoxy prevailing in Ukrainian broadcasting is the corrupt licensing process. As you know, anyone with a computer and a printer can start a newsletter or a website. But television and radio frequencies are a finite commodity that must be allotted by the government. That is how it works in the United States, and that's how it works in Ukraine. The problem in Ukraine, however, is that the licensing authorities favor broadcast entities that promise to be friendly to the government—and the process itself is so closed and confusing that protesting a given decision is futile.

This concentration of media power in the hands of one political mindset and one political bloc becomes particularly dangerous during an election campaign. This year, when it is absolutely critical that voters receive as much objective and balanced information about the candidates as possible, Ukrainian voters are getting only one side of the story. Studies by outside observers have established beyond doubt that on the TV and radio stations controlled by Mr. Medvedchuk and Mr. Pinchuk, including Ukrainian state television and Ukrainian state radio, reporters are providing positive coverage of the candidate Mr. Kuchma supports, and overwhelmingly negative coverage of the candidate Mr. Kuchma most fears and dislikes. This is precisely why freedom of the press is essential to the operation of a democracy: an electorate cannot possibly make informed choices at the ballot box if the media do not report the whole truth about the candidates.

President Kuchma thus enjoys a luxury that any political leader would envy—a media environment that is almost totally compliant. And this lack of diversity in the media landscape has been exacerbated by the fact that the profession of practicing journalism in Ukraine is so difficult that few people are willing to do it.

I stated earlier that the condition of media freedom in Ukraine is poor. Associated with this fact is that Ukraine, to put it mildly, is not a good place to be a journalist. Reporters there have more to fear than the censorship and intimidation that unfortunately plague much of the media in the former Soviet Union. Ukrainian journalists must also fear for their lives. Since 2000, at least 39 journalists have been killed. 42 Ukrainian journalists were attacked or harassed in 2003 alone nearly double the figure for 2002. And although President Kuchma himself may not be to blame for all the mayhem that is visited on reporters in his country, there is strong evidence, indeed a tape recording, that he is directly responsible for the most notorious act of violence against a journalist in recent memory: the cruel and criminal beheading of Georgy Gongadze.

Furthermore, practicing journalism in Ukraine entails enormous economic burdens. While there is a small group of well-connected journalists that is very well-paid, low salaries are the rule. Expenses such as computers, transmitters, newsprint, and paper are very burdensome for the average Ukrainian enterprise. Private media outlets have a limited pool of advertisers from which to draw extra revenue, and therefore have a hard time turning a profit. When you have impoverished media employing impoverished journalists, the result is a journalistic climate that is extremely conducive to corruption: people with money can get their stories told and their views expressed, while people without money cannot. Moneyed interests—including government officials—can manipulate coverage of their actions, as cash-starved newspapers are offered financial inducements to tell the payer's side of the story. Call it journalistic bribery.

Meanwhile, the prevalence of organized crime has made targets of journalists who dare to print the truth about corruption. And law suits against media outlets for defamation are on the rise. In a climate such as this, when independent journalists face everything from lawsuits to jail to death, it is almost a miracle that anyone is willing to pursue the profession.

Radio Free Europe/Radio Liberty has experienced the hostility of the Ukrainian media environment firsthand. As a broadcast entity funded in the United States and produced in Prague, we cannot be intimidated by President Kuchma and his goons. But while Kuchma can't go after RFE/RL, he can go after our affiliate stations in Ukraine, and that is precisely what he has done.

The government's crusade against Radio Liberty began in earnest in February 2004 when, after a five-year, close working relationship, our Ukrainian-language programs were removed from the Dovira FM radio network by the company's new owner, who is a political supporter of President Kuchma. Dovira was RFE/RL's major affiliate; it gave us the ability to reach some 60 percent of the population of Ukraine, including Kyiv. The explanation given by the new owners—that RFE/RL news programs did not fit the envisioned new format of the radio network—ignored the fact that Dovira listenership was highest when our programs were on its airwaves. And in fact, authorities later admitted to some of us that the Dovira action was taken for political, not commercial, reasons.

The attack on Radio Liberty intensified in March, when Radio Kontynent, an FM commercial station in Kyiv that had begun to air RFE/RL programming two days earlier, was raided and closed by Ukrainian authorities. The station's transmission equipment was seized and three employees were briefly detained. This station also carried the programs of other international broadcasters, including the Voice of America, BBC, Polish State Radio, and Deutsche Welle. Serhiy Sholokh, the owner of Radio Kontynent, fled Ukraine and has received political asylum in the United States.

On that very same day, an RFE/RL representative was scheduled to meet in Kyiv with Heorhiy Chechyk, the owner of an independent FM station in Poltava, to finalize a contract to broadcast RFE/RL programs. The director was killed in a suspicious automobile accident en route to this meeting.

RFE/RL continues to broadcast in Ukraine on seven independent radio stations in smaller cities and a small network in Crimea. In addition, our board, the U.S. Broadcasting Board of Governors, has added additional shortwave frequencies into Ukraine in an effort to continue to provide our popular programming to listeners in Ukraine. But the Kuchma Administration is doing its best to prevent us from gaining greater access. Over and over again, owners of radio stations in Ukraine tell us that they are being threatened by Ukrainian authorities and told not to take RFE/RL programs. Some station owners who earlier showed interest now are unwilling even to meet with us. The government has exerted financial pressure on potential affiliates as well, threatening a tenfold increase in the licensing fees of any TV or radio station that rebroadcasts foreign

programming. Their tactics, in other words, are no different from those of the mafia.

The website of RFE/RL's Ukrainian Service, www.radiosvoboda.org, has a substantial following in Ukraine. But even our Internet efforts have faced government obstruction. Earlier this year, RFE/RL attempted to send a ''mirror server'' to Kyiv, which would have provided Internet users in Ukraine with much quicker and more reliable access to the site. Ukrainian customs, however, refused to admit the server, seizing on a clerical error to accuse RFE/RL of attempted smuggling. Just looking at the harassment Radio Liberty has faced in Ukraine, you can see why Reporters Without Borders has given Ukraine such low marks.

In addition to the problems I mentioned earlier, there is one more problem plaguing the Ukrainian media environment—and this one is the most worrisome of all. It is apathy. Over and over again, scholars and observers of Ukraine note that when the government interferes with freedom of the press, the Ukrainian people—including journalists—do not protest much. As one Ukrainian journalist has stated, ''Freedom of speech is not valued in our society, and its violation does not cause public outrage'' when it is threatened.

Ladies and gentlemen, if I can leave you today with one message, it is that freedom of expression does matter. There's a reason that the founders of the United States put freedom of speech and freedom of the press at the top of the Bill of Rights. There's a reason that Thomas Jefferson once wrote, ''If it were left to me to decide whether we should have a government without a free press or a free press without a government, I would prefer the latter.'' There's a reason Franklin Roosevelt called it ''the first freedom.'' There's a reason it occupies an important place in the Universal Declaration of Human Rights. That reason is that without a free press, society simply does not work—and its people cannot prosper.

Newspapers, radio, and television perform two functions that are absolutely critical: first, they allow a nation's citizens to engage in an ongoing conversation with one another, and to form intelligent opinions about how their society should be run; and second, they serve as a check against government corruption. It is a universal truth of human nature that power corrupts. A free press is the most important protection we the people have against government's inevitable tendency to increase its own power. This is the critical difference between the Communist view of government and the democratic view of government: the Communists preached that the government knew best. The democratic view is that because power corrupts, government cannot be trusted and it therefore must be checked in every way possible. That is why democracy requires a representative legislature, independent courts, and, most importantly, a free press.

One of my favorite words in the English language is ''obstreperous.'' I am told that in Ukrainian it is halaslivy. If you look at the word's Latin roots—''ob''—against, and ''strepere''—to make a noise—you can get an idea of what it means: unruly, clamorous, noisy, defiant. What Ukraine needs more than anything now is for you, the Ukrainian people, to be more obstreperous. If corrupt officials violate your rights, make lots of noise. If they shut down the TV stations they do not control, make lots of noise. If they send goons to polling places when you are trying to vote for your local mayor, make lots of noise. And if they try to steal next month's election, make lots of noise. Protest, defiance, noise, demanding the truth—these are the fundamental ingredients of freedom and democracy.

My fondest wish is for this to be the last anniversary that Radio Liberty ever celebrates in Ukraine; nothing would make me happier than for us to become obsolete. But as long as Ukraine lacks a free press, Radio Liberty will be with you—if it takes another 50 years, we will not abandon your cause of real freedom, of real democratic institutions.

Remember, though, that the most important role will be played by you, the people. Never forget that apathy is the dictator's best friend—and that obstreperousness is the dictator's worst nightmare. Ukraine is a proud place, but it is not a free place.

A window was opened when the Soviet Union dissolved and the nation-state of Ukraine arose again—and now it's up to you to make sure that the window stays open, so that Ukraine can at last breathe the same fresh air, that is a fully free media, that we in the West have worked so hard for and been fortunate enough to breathe for so long.

TRIBUTE TO JONESBORO MAYOR HUBERT BRODELL

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a man with a very impressive public service record. Jonesboro Mayor Hubert Brodell is retiring after 17 years of serving the needs of Jonesboro's citizens. He has served four consecutive terms as mayor and will be stepping down this year. I would like to pay tribute to his service and dedication and acknowledge his retirement today.

Hubert Brodell has worked very hard for both the economic development and the industrial growth of Jonesboro. Under his leadership, the city has expanded by 2/3 its original size, primarily due to the 1987 annexation referendum he put together to prepare for future growth. This has allowed and also attracted various industries to the area. The population has doubled during his time in office, and Mayor Brodell has risen to the challenges of a growing community by meeting them head on. He implemented the 911 Center that expanded and improved emergency services; maintained a goal of keeping the streets and highways up to par; and worked fervently with city services to better meet the needs of all who call Jonesboro home.

In his personal life, Hubert Brodell is a family man. He has been married to his wife, Dorothy, for 50 years and has 6 children and 17 grandchildren. He has decided this to be his last term so he can spend more time with the people he loves.

So on behalf of the U.S. Congress, I extend my sincerest appreciation to Hubert Brodell for his outstanding service and citizenship. Jonesboro and all of Northeast Arkansas is a better place to live and work because of his service, and I am proud to call him my friend.

PAYING TRIBUTE TO JEANETTE WARE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. McINNIS. Mr. Speaker, it is with a sad heart that I rise to pay tribute to the passing of Jeanette Ware, a dedicated humanitarian from Carbondale, Colorado. Jeannette was a devoted member of the community, and will be missed by many in Carbondale. As her family and friends mourn her loss, I believe it is appropriate to recognize Jeanette before this body and this Nation today.

Jeanette Ware moved to Carbondale in 2000 and immediately volunteered as an Emergency Medical Technician with the fire department. Instantly making a difference, she was recognized as the rookie of the year in 2001 and was later awarded the Carbondale Fire department's Life Saver Award for saving a child's life. Jeanette also started her own business as a midwife, assisting mothers with child birth and caring for their babies. She sadly was taken from this world, at the young age of 28, in a car accident when her car lost control and went off the road.

Mr. Speaker, Jeanette was a dedicated young woman that selflessly served her community, and I am honored to pay tribute to such an amazing person. At such a young age, her contributions to the community are an incredible model for all Americans. My thoughts and prayers go out to her family and friends during this time of bereavement.

URGING THE GOVERNMENT OF UKRAINE TO ENSURE THAT THE PRESIDENTIAL ELECTIONS ON OCTOBER 31, 2004 ARE FREE, FAIR, AND CONSISTENT WITH INTERNATIONAL STANDARDS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. LANTOS. Mr. Speaker, I want to bring the attention of my friends and colleagues in Congress to an issue of a critical importance to U.S. national interests in Europe—the upcoming presidential elections in Ukraine on October 31, 2004, just days before our own elections on November 2, 2004.

Ukraine has been a country at crossroads since it first regained independence in 1991. It conducted parliamentary and presidential elections but the outcome always fell far short of the international standards and democratic commitments of its own constitution. Although the government of Ukraine adopted recommendations of the OSCE into its electoral law, the implementation was lagging. On many occasions, international elections observers observed fragrant violations of the law at all levels of the Ukrainian political system. The worst abuses exploited the so-called administrative resources to virtually shut out the opposition candidates from the political process. Despite pressure from the United States Government and Congress, these practices continued.

Nevertheless, Mr. Speaker, we hoped that these elections would be a marked improvement over the past because the government of Ukraine understood how crucial they are to ensure Ukraine's integration in Europe. Ukraine's democracy and geopolitical orientation are at stake. Throughout the past year, many Ukrainian dignitaries traveled to Washington to meet with United States Administration officials and Members of Congress to assure us that these elections would be different.

U.S. Members of Congress and Administration officials made regular trips to Kiev with the same message. Sadly, Mr. Speaker, our hopes were crushed when we saw how the 2004 presidential campaign was unfolding.

According to information collected by international and local non-partisan monitoring groups, most of Ukraine's 225 territorial election commissions are controlled by pro-government political forces that are openly supporting the candidacy of the Prime Minister Viktor Yanukovych. International observers also estimate that the twenty five presidential candidates are not genuine candidates, but are running to place Yanukovych loyalists on the electoral commissions. This practice compromises the independence of the commissions and makes a complete farce out of the Ukrainian election law. State and local Ukrainian officials are controlling and manipulating the media to shut out the main opposition candidate Victor Yuchshenko. The state officials are using illegal means to interfere in the election campaign, giving rise to grave concerns regarding the commitment of the Ukrainian Government to free and fair elections.

In fact, our Ambassador to Ukraine, John Herbst, most recently publicly stated that Ukraine is not meeting its commitments to conduct fair and transparent elections. I am also concerned by the behind the scenes deal between President Putin and Prime Minister Yanukovych. It is obvious that Mr. Yanukovych is the preferred candidate of Russia, and I wonder how much of the Ukrainian political sovereignty and economic freedom have been ceded to Russia in exchange for its financial support

I hope that this resolution will send an important message to the Ukrainian electorate and the Ukrainian political elite that the U.S. Congress cares deeply about the future of Ukraine. Ukrainian citizens must have confidence that the legal system will protect their rights and that their political will and their votes will be counted, and the result of the elections will not be manipulated. The United States hopes to sustain a strong and friendly relationship with democratic, sovereign, and prosperous Ukraine. History has shown us that the most enduring alliances are sustained between allies who share the same values and vision. The elections on October 31, 2004 will reveal whether the Ukrainian Government is committed to democracy and the rule of law and whether it is willing to become a full and equal member of the western community of democracies.

TRIBUTE TO WESLEY AND ELLA MAE ROOKS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to Wesley and Ella Mae Rooks. They are a very special couple who have given so much to the community they adopted over forty years ago. Wesley came to Gillett, Arkansas, as a math teacher, and Ella Mae found a job in a neighboring town as a secretary. Eventually, Ella Mae was employed as a secretary to the principal at Gillett High School where Wesley was teaching.

Mr. Speaker, there is no way to adequately measure the positive influence Wesley and Ella Mae had on the young people of Gillett in their years at Gillett High School. I personally know from my own children's experience how they valued every child and encouraged them in their class work and in life beyond the classroom. They were demanding of a child's best, expected it, and did so with a large dose of good humor. Young people knew the Rooks were rooting for them to succeed.

Their retirement has given them other outlets to find ways of encouraging others. Whatever need presents itself, they respond.

So on behalf of the U.S. Congress, I take this opportunity to wish Wesley my congratulations on his 80th birthday, and he and Ella Mae are both congratulated on being loved and appreciated by a host of friends and relatives. They are the essence of what makes America great. I am indeed blessed to have them as my friends and neighbors.

PAYING TRIBUTE TO BOBBY JULICH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to Bobby Julich, a truly talented athlete from Glenwood Springs, Colorado. Bobby's efforts in the Athens Olympic Games are an inspiration to us all, and I would like to join my colleagues here today in recognizing his tremendous achievements before this body of Congress and this Nation.

Bobby Julich was first motivated to become a competitive cyclist at the age of twelve while watching Aspen's Alexi Grewal win a gold medal in the 1984 Olympic time trials event in Los Angeles. As a student at Glenwood Springs high school, he was an active competitor and was sponsored by many local shops. Now 32, Bobby recently won the bronze medal in the men's road time trial at the Athens Games. His achievement has been recognized by his high-school on its wall of pride.

Mr. Speaker, it is an honor to recognize Bobby Julich for his achievement. Representing his country in the Olympics is a great privilege and he did so nobly. I am proud to recognize him today before this body of Congress and this Nation. Congratulations on your performance in the Olympic games, Bobby, and I wish you well in all of your future endeavors.

CONGRATULATING MS. KOKO TAYLOR

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. JACKSON of Illinois. Mr. Speaker, I rise today to recognize and congratulate one of my most prestigious constituents, from Country Club Hills, Illinois, Ms. Koko Taylor, the ''Queen of the Blues''. Ms. Taylor is a recipient of the 2004 National Heritage Fellowship.

The National Heritage Fellowship is the country's highest honor given in the folk and traditional arts. Ten fellowships and twelve awardees were chosen from 10 states, and we are proud to have Ms. Koko Taylor as this year's award recipient from Illinois.

Ms. Taylor was born 75 years ago in a sharecropper's cabin at the edge of a cotton plantation in southwestern Tennessee. Even though her father encouraged her to perform only Gospel music, Koko and her siblings would sneak out and play the blues on homemade instruments. When she was eighteen, Koko (given that name as a child due to her love of chocolate) moved with her soon-to-be husband Robert ''Pop'' Taylor to Chicago. Initially sustaining herself as a housekeeper on Chicago's North Shore, it was not long before she was sitting in with legendary blues musicians in Chicago's lively club scene. In 1962, she was discovered by Willie Dixon and signed to a Chess recording contract—Chess Records was the Motown of Chicago. She recorded the million record selling hit ''Wang Dang Doodle'' in 1965, and had many successful hits since.

For more than 40 years, Koko Taylor's powerhouse vocals have thrilled audiences, from little bars in Chicago's South Side to giant international festivals. She's been in movies, on television, on radio and in print all over the world. Ms. Taylor has received just about every award the blues world has to offer. She has received 19 W.C. Handy Awards, more than any other female blues artist. She has also been nominated for a Grammy for six of her last seven Alligator albums, and won a Grammy in 1984. In 1993, Chicago Mayor Richard A. Daley honored Taylor with a ''Legend of the Year Award,'' and declared ''Koko Taylor Day'' throughout Chicago. The Blues Foundation bestowed a Lifetime Achievement Award on her in 1999.

Ms. Taylor has been described by Rolling Stone as ''the great female blues singer of her generation.'' Her vocal power and stage presence, drawing on such forbears as Bessie Smith, Sippie Wallace, and Alberta Hunter, has carried her through four decades of recording and live performance, and she continues to play over 100 concerts a year all over the world. Ms. Taylor's contributions to the music world have been enumerable, and I congratulate her on her achievement.

INTRODUCTION OF A BILL AUTHORIZING EXPANSION OF HAWAI'I VOLCANOES NATIONAL PARK KAHUKU, HAWAI'I

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. CASE. Mr. Speaker, I rise today to introduce a bill to authorize expansion of Hawai'i Volcanoes National Park located on the Island of Hawai'i.

This bill would authorize expansion of the park's boundaries to allow the National Park Service to acquire 656 additional acres between the 1,000 and 2,000-foot elevation marks in the Kahuku district makai (oceanside) of State Highway 11. This property, which is a part of the historic Kahuku Ranch, most of which has already been added to the Park, includes extensive natural and cultural resources. These Kahuku lands encompass

the southwest rift zone of Mauna Loa, one of the most massive volcanoes in the world.

The geologic features of the proposed acquisition—three large pit craters—provide vestiges of native forest and other unique attributes. The property also includes ranch buildings, walls, and pasture lands that are reminiscent of nineteenth and early twentieth century ranching and contain remnant ranchlands that are not currently represented to the public by any National Park in Hawai'i. These buildings would provide public, office, educational, and research space for a much-needed satellite headquarters for this portion of the 333,000-acre park. And locating these services in these historic structures will preserve more of the natural resources of the park in an unspoiled condition.

The property also provides magnificent open landscape views and vistas that offer a glimpse into a cultural landscape that has remained unchanged for decades.

The geologic, biologic and cultural resources contained on this property will also enhance the quality of the park for its legislated purpose and as a World Heritage Site and International Biosphere Reserve. In addition, the park has a well-developed partnership with adjacent landowners in management of native ecosystems and historic landscapes and acquisition of this makai section of Kahuku will help to facilitate this partnership.

The Hawaii House of Representatives passed H.R. No. 56 in the 2001 session supporting acquisition of the Kahuku Ranch as part of Hawaii Volcanoes National Park and the Hawaii State Senate passed a similar resolution.

I would be very grateful for the support of my colleagues for this important bill. Mahalo!

PAYING TRIBUTE TO ERNESTO TAFOYA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. McINNIS. Mr. Speaker, I rise to pay tribute to US Navy veteran Ernesto Tafoya. Ernesto, who held the rank of Senior Chief Petty Officer, bravely answered our Nation's call to duty during World War II. Following the war, he continued to serve our Nation in the Naval Reserve, retiring in 1983 after forty years of honorable service. I consider it a great honor to recognize the sacrifices Ernesto made for his Nation before this body of Congress today.

Ernesto joined the U.S. Navy in 1943 at the age of seventeen. After months of training he became an engineman on an amphibious landing craft, and was later sent to the Pacific Theater. Ernesto's unit arrived in Hawaii in early 1945, sailed to the Marshall Islands, and eventually arrived at Leyte Gulf in the Philippines. There his unit took part in liberating the Philippines from the Japanese. Following the Philippine campaign, Ernesto was sent to Japan as part of the allied occupation force where he again served honorably. Upon returning from overseas Ernesto continued his service in our Nations Naval Reserve.

Ernesto comes from a family with a long tradition of defending our Nation's freedom. His maternal grandfather Sabino Lopez from Chiuaua, Mexico, gained his U.S. citizenship by fighting for the Union side in the Civil War. His older brother Dewey served in the European Theater with the US Army during World War II, and was killed during the infamous Battle of the Bulge. In addition, Ernesto's children have followed in their father's footsteps, both his son and his daughter are currently serving as members of our armed forces. His daughter, Michelle Tafoya, has served honorably in the US Air Force for sixteen years, and is today being promoted to the rank of Lieutenant Colonel. Ernesto's son, Carl, served in Vietnam and Desert Storm, and is currently deployed in Kuwait as an Army medivac helicopter pilot.

Mr. Speaker, later today, I will have the distinct honor of recognizing Ernesto for his service during World War II by bestowing upon him the Philippine Liberation Medal. This is a long overdue tribute to the sacrifices Ernesto endured in the defense of freedom. Ernesto, your service is the embodiment of American heroism and we are very proud of you.

IN HONOR OF THE REPUBLIC OF CHINA'S NATIONAL DAY

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. SESSIONS. Mr. Speaker, I rise to honor one of the United States' most reliable allies, the Republic of China, on the occasion of its National Day, October 10. That great nation, better known as Taiwan, has served as a mirror on our times, reflecting the agonies and dreams of the 20th Century and the soaring aspirations of the new century. The ROC was born of the tragedy of Communist betrayal, reared in the tension of the cold war, and reached maturity during the information age.

The ROC was the first casualty of Imperial Japanese aggression and our staunch ally in the fight to free the Pacific of that tyranny. In 1949, Chinese Communists seized power on the mainland and the central government of the Republic of China relocated to Taiwan. Since that time, we have rightfully considered Taiwan's security of vital interest to the United States. In 1950, President Truman ordered the Seventh Fleet to protect Taiwan from attack by the Chinese Communists and we have maintained a presence in the area ever since. Moreover, the Congress has consistently expressed its support of the ROC since the passage of Taiwan Relations Act of 1979.

Mr. Speaker, Taiwan has developed into a premier Asian democracy, having peacefully evolved from one party rule to the vibrant home of multi-party elections.

Taiwan's political development has been complemented by its economic rise as one of Asia's ''Four Tigers,'' along with Hong Kong, Singapore, and South Korea. Since 1949, the ROC's economy has moved from a leader in agricultural exports, to a major manufacturer of small electronics and consumer goods, to today's premier Asian producer of capital- and technology-intensive commodities, such as personal computers and machinery. Because its economy has achieved such rapid growth, Taiwan boasts one of the world's highest standards of living, with only 1 percent of its population below the poverty line in 2000. Today, the ROC is an irreplaceable part of the world economy and vital to continued growth here in the U.S.

I know that my colleagues will join me in wishing Taiwan's President Chen Shuibian, its Representative here in the U.S., Dr. David Tawei Lee and the 23 million people of Taiwan a most happy National Day and continued peace and prosperity.

PAYING TRIBUTE TO CHUCK KORNMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to Chuck Kornman, a dedicated humanitarian from Grand Junction, Colorado. Chuck has spent his entire life serving other people during times of desperation, and I would like to join my colleagues here today in recognizing his tremendous leadership and service before this body of Congress and this Nation.

Chuck began his professional career as a minister, and after retiring 15 years ago became a volunteer for the Red Cross. This year he will turn 81 years old, and as a family-service coordinator, Chuck travels to disaster sites all over the world to help those affected. He spent 3 months in New York City after the terrorist attacks on September 11 and more recently has aided those afflicted by the floods in Texas, the ice storms in Oklahoma, and the tornado devastated area in southeast Nebraska. Chuck not only interviews victims of natural disasters about their needs, but also provides an unparalleled level of support.

Mr. Speaker, it is a privilege to honor Chuck Kornman for his dedication and commitment to others. In the pinnacle of his life, he serves as an example to all of us. It is with great pleasure that I recognize him today before this body of Congress and this Nation. Thank you, Chuck, for everything you have done. I wish you the best in all of your future endeavors.

HONORING LYNDA THEIL FOR 33 YEARS OF PUBLIC SERVICE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Lynda Theil on her retirement from 33 years of public service as a staff member in the House of Representatives. A dedicated staffer, a tireless worker, a sharp mind, and a good friend, Lynda's dedication to working on behalf of our nation's children has been nothing short of inspiring.

Lynda began her career on the Hill working for Ohio Congressman John Seiberling in January of 1971, the beginning of the 92nd Congress. She worked for Rep. Seiberling through the birth of her two daughters, Corbin and Ashley, who she has raised into intelligent, sophisticated and beautiful young women. Upon Rep. Seiberling's retirement, Linda transitioned to the staff for his successor, Congressman Tom Sawyer at the beginning of the 100th

Congress where she worked until the spring of 1993.

It was at this time, when I was just starting my first term in Congress, that Lynda came to my staff. Her expertise and vast knowledge of education policy have been invaluable to me as a member of the House Education and Workforce Committee. She has worked on legislation including the Child Nutrition Act, the School Breakfast Pilot program, Headstart, The Balancing Act, and welfare programs to name a few. I would also like to honor her for helping to create the Democratic Caucus Task Force on Children and Families. She was instrumental in helping me make this important Caucus a reality and give a voice in Congress to those who need it most.

After so many years of dedicated service, it will certainly be difficult to see Lynda go. She has not only been a resource to myself and other Members of Congress, but also a mentor to a countless number of staff members. I wish her well as she moves on to a new phase of her life. With one grandchild, Brady, and another on the way, she will undoubtedly be as busy and hardworking in retirement as she was on the Hill. I can say without hesitation, that Members of Congress and staff alike will certainly miss her.

Mr. Speaker, Lynda Theil is the role model for what every staff member should be; dedicated, hardworking, caring, and devoted. Her presence will be missed, but not forgotten. Thank you, congratulations, and best wishes, Lynda.

PAYING TRIBUTE TO DONALD BROTZMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise to mourn the passing of Congressman Donald Brotzman. Donald, the former representative for Colorado's Second Congressional District recently passed away at the age of eighty-two after battling cancer. He was known for his warmth, integrity and abiding sense of professionalism. As his family and friends mourn their loss, I believe it is appropriate to remember Donald and pay tribute to him for his contributions to the state of Colorado and this Nation.

Donald was born in 1922 in Logan County where he was a tenor saxophonist and three-sport athlete at Sterling High School. He went to school at the University of Colorado on a football scholarship in 1939, only to postpone his studies to serve his country as an Army officer during World War II. After the war, Donald married Louise Reed and returned to the University of Colorado to earn his business and law degrees.

Donald began working as a lawyer in Boulder in 1950, and was elected later that same year to the Colorado House of Representatives. He was a dynamic legislator who reflected strong Western values and a compassionate heart. Donald would go on to serve in the State Senate where he was named the outstanding freshman member, an honor he also enjoyed from his time in the State House. He was appointed as the Colorado U.S. attorney in 1959 and just two years later, he was elected to the U.S. House of Representatives where fellow lawmakers named him president of the Republican freshman class. Former U.S. Senator Bill Armstrong referred to Donald as a trailblazer in politics, and a man of great integrity and principle.

After Donald left politics, he worked in the Government Relations department at the Rubber Manufacturers Association before retiring in 1989. When Louise died in 1995, Donald remarried, and is survived by his wife Gwendolyn, a brother, daughter, and son, in addition to a stepson and six grandchildren.

Mr. Speaker, we are all saddened by the loss of Congressman Donald Brotzman, though we take comfort in the knowledge that our grief is overshadowed by the legacy of dedication that Donald has left with us. I am honored to pay tribute to such a devoted public servant, one who has given many years in service to the state of Colorado and Nation. I know that many throughout our state who had the chance to benefit from his experience and dedication will miss Donald Brotzman. My thoughts and prayers go out to his family during this time of bereavement.

MINGO JOB CORPS CIVILIAN CONSERVATION CENTER

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mrs. EMERSON. Mr. Speaker, the Mingo Job Corps Civilian Conservation Center was established in 1965 and is located on the southeastern corner of Mingo National Wildlife Refuge. Over 224 corps members participate in the program at Mingo at any one time. They can see daily what many people travel miles to observe on a National Wildlife Refuge. They are working to make a special effort to provide vocational work sites for training, as well as placement in permanent jobs, not just at Mingo, but on other facilities within the region.

In a residential setting, students are given the opportunity to complete their secondary education, round out their social skills, and acquire a vocational skill. Vocational training is offered in the following trades at Mingo: automotive repair, building maintenance, bricklaying, carpentry, heavy equipment operation, painting, welding, clerical, culinary arts, and health services.

With an audience of over 200 young people in residence for over a year on a National Wildlife Refuge, the Center is taking advantage of the opportunity to expose them to environmental awareness concepts in the education, vocational training, and residential living programs. The Center is a unique mix of human resources and natural resource management.

The Mingo Job Corps Center, located in Puxico, Missouri, has become a critical part of the economy in Southeast Missouri. I first want to brag on the work the Center has done and give a little background on the work they do to better the community and the lives of those they serve. The Center has been crucial in providing the young people in Southeast Missouri many opportunities that they would not otherwise have available to them. The lack of viable economic opportunities in the area is staggering, and, as a result, many people in the area have to rely on government assistance to make ends meet.

The Mingo Job Corps Center is the one place these people can go to develop the critical skills needed to enter the workforce. While some of the students at the Center are what we commonly refer to as being "at-risk," the Job Corps program has allowed these young men and women to make a life for themselves and succeed. Additionally, the surrounding community has benefitted from the work of the Center because, upon graduation, the students are able to give back to the community with the skills they have learned.

Last year, U.S. Fish and Wildlife Service announced that they did not have the budget to adequately operate the Center. As a result, the Department of Labor recommended that the operations of the Center be contracted out. I completely opposed the proposal to contract out the operations at the Mingo Job Corps Center.

In response to the announcement to contract out operations Senator BOND and I introduced legislation to transfer the Mingo Center to the jurisdiction of the U.S. Forest Service. By adding the Mingo Job Corps Center to the list of U.S. Forest Service-run facilities, we will protect the livelihood of the students and employees served by the Center and ensure that the facility will continue to be operated by an experienced and dedicated staff. Most importantly, the skilled workers who graduate from the Center will continue to add to the dedicated workforce and contribute to the health of the rural economy.

I am very proud to bring this legislation to the House of Representatives for a vote today, because it represents an important initiative in rural Missouri. Our job training programs are vital to our economic success now and in the future. Keeping the Mingo Center open and operating is a small, but important way to acknowledge our commitment to a dedicated workforce.

PAYING TRIBUTE TO RAYMOND TETREAULT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. McINNIS. Mr. Speaker it is with great pride that I rise today to pay tribute to Raymond Tetreault, a dedicated gardener from Delta, Colorado. Raymond is responsible for creating beautiful landscapes and scenic floral displays throughout the streets of Delta and I would like to join my colleagues here today before this body of Congress and this nation in recognizing his service to the Delta community.

Raymond grew up in New Bedford, Massachusetts and moved to Colorado to look for work in 1976. He loved gardening as a child and took related classes from Front Range Community College before working fourteen years at the Pinehurst Country Club. After Pinehurst Raymond, who identifies himself as an amateur naturalist, became the Delta city gardener in 2003. Raymond prides himself on making sure that every flowerbed is a knockout. He insures that each flowerbed is comprised of a mix of annuals and perennials to produce colorful blooms all year round. His

work can be seen in most local Delta parks, Main Street, the bike path between the Gunnison River and Gunnison River Drive, and the Delta County Historical Society Museum.

Mr. Speaker, Raymond Tetreault is a dedicated, selfless person who has been a devoted public servant. He has developed intricate floral designs that color the streets of Delta reflecting the tremendous pride of its citizens. Raymond's enthusiasm and commitment to his craft certainly deserve the recognition of this body of Congress and this nation. Thanks for all your service Raymond and keep up the good work!

PERSONAL EXPLANATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. ROGERS of Michigan. Mr. Speaker, on the legislative day of Thursday, September 30, 2004, the House had a vote on Res. 792, a resolution to honor the United Negro College Fund on its 60th anniversary. On House roll-call vote No. 486, I was unavoidably detained. Had I been present, I would have voted ''yea.''

PAYING TRIBUTE TO NANCY PENFOLD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to Nancy Penfold, a dedicated creator and curator of the City of Fort Lupton Museum. This week Nancy will be honored as the 2004 Outstanding Older Worker from Colorado for her longstanding commitment to service by the Experience Works Prime Awards organization, and I would like to join my colleagues here today in recognizing Nancy's accomplishments before this body of Congress and the Nation.

Nancy's family came to Fort Lupton in 1895, and have been strong facilitators for the town's continued success. Nancy was born and raised there, making her an excellent candidate for telling the history of Fort Lupton. Nancy was a volunteer historian since 1975 and in 1982, she led the movement to establish the City of Fort Lupton Museum. Today she holds the position of museum curator where she maintains the local heritage of the Fort Lupton community, and strives to preserve the riches of its past through special events and programming that enable citizens to display unique collections. Nancy has spent many hours collecting oral histories from seniors in both the Greeley and Fort Lupton communities that enables citizens to organize and archive family histories for future generations.

Nancy is also very active in several organizations and boards throughout her community including: Quality of Life, Friends of a Woman's Place, the Greeley RSVP board, and the Walk for Life campaign in the American Cancer Society. Additionally she has worked as a peer counselor for Weld County Mental Health, helped start the local Hospice program, and frequently delivers meals as part of the Meals on Wheels program.

Mr. Speaker, Nancy Penfold has dedicated her life to preserving the history and culture of one of Colorado's most unique towns. Her compassionate and selfless service to Fort Lupton and the Colorado community certainly deserves the recognition of this body of Congress and this nation. Congratulations on your award Nancy, and I wish you all the best in your future endeavors.

IN HONOR OF DENNIS A. LUSARDI

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. ENGEL. Mr. Speaker, I rise today in honor of Mr. Dennis A. Lusardi who will receive the Four Freedoms Award on Friday, November 5, 2004. This prestigious award is given by the Franklin and Eleanor Roosevelt Institute to exceptional men and women who, in their work and life, are committed to the 4 principles outlined by President Roosevelt in 1941. These principles are the freedoms of speech and expression, worship, and the freedom from both want and fear.

I know that Dennis embodies these pillars in his work with the labor movement. As a dedicated worker, he has served the labor community and union members for over 40 years. He was born in Yonkers and graduated from Christopher Columbus High School and then attended Westchester Community College. I admire his entrance into the workforce in 1958 as an apprentice in the esteemed Ironworkers' Union. My father was an Ironworker, and I have great respect for trade unions, their values, and the work that they do. Dennis immediately showed that he was a dedicated and passionate advocate for improvements to his union. He took his first leadership role in the 1970s when he was appointed to the Pension Fund, and has proven his devotion by continuing his service as Chairman still today. He continued his impassioned work in 1981 when he became a Delegate to the International Convention.

In 1989 Dennis also became the Financial Secretary Treasurer, and since then he has held his position by acclamation from those he serves. Dennis' expertise and experience have truly benefited the labor movement, the community, and those who know and love him. He also lends his services and experiences as the Ironworkers' Union's Business Manager. He is as committed to advocating on behalf of his fellow workers today as the day he began his career. I am delighted to say that he continues this exceptional service as the Vice President of Westchester Building Trades, the Treasurer for the Ironworkers District Counsel of New York, and is also representative for the Ironworkers District Counsel Pension Plan. He exemplifies the hardworking ideals of his union and this country, and truly deserves this great honor. In addition to the incredible and significant work on behalf of organized labor, Dennis is also a proud father of two, and has three wonderful grandchildren. It is my privilege today to speak in the House of Representatives in honor of Mr. Dennis A. Lusardi.

PAYING TRIBUTE TO CHAR HACKER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to Char Hacker, a talented teacher from Grand Junction, Colorado. For twenty-three years Char has inspired and challenged Taylor Elementary students to achieve the very best in their lives and I would like to join my colleagues here today in recognizing Char's tremendous service to the Grand Junction community.

Char became an elementary teacher when she graduated from Western State College after her first dream of directing a High School band program did not work out. However, Char found her true passion as a music teacher and went on to earn her masters degree in special-needs education after working at Taylor High School for ten years. Currently she spends half her day teaching music and half teaching individual students with special needs. Char is a brilliant teacher whose methods of using fun and games to encourage her students to study hard and reach their goals. She positively impacted the lives of several students, an experience that many remember long after they have become adults.

Mr. Speaker, Char Hacker is a wonderful ambassador for education who dedicates her life to teaching the next generation of leaders in her Grand Junction, Colorado community. Char has taken the noble and challenging occupation of teaching to a new level of excellence. Her compassionate and selfless service to Grand Junction and the Colorado community certainly deserves the recognition of this body of Congress and this nation. Thanks for all your hard work Char, and I wish you all the best in your future endeavors.

PERSONAL EXPLANATION

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. NETHERCUTT. Mr. Speaker, I was unavoidably detained due to a prior obligation and missed the following votes. Had I been present I would have voted ''no'' on Roll Call Vote No. 473, ''yea'' on Roll Call Vote No. 474, ''yea'' on Roll Call Vote No. 475, ''no'' on Roll Call Vote No. 476, ''yea'' on Roll Call Vote No. 477, ''no'' on Roll Call Vote No. 478, ''yea'' on Roll Call Vote No. 479, ''no'' on Roll Call Vote No. 480, ''yea'' on Roll Call Vote No. 481, ''yea'' on Roll Call Vote No. 482, ''yea'' on Roll Call Vote No. 483, ''yea'' on Roll Call Vote No. 485, and ''yea'' on Roll Call Vote No. 486.

PAYING TRIBUTE TO JOEL BOUCHARD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. McINNIS. Mr. Speker, it is with great pride that I rise today to pay tribute to veteran

Joel Bouchard from Clifton, Colorado, for overcoming adversity. Joel served his country as a soldier in World War II, and after being injured in battle, went to school to begin a new career. He was determined to triumph over his injuries, and I would like to join my colleagues here today in recognizing his tremendous achievement before this body of Congress.

On September 25 1944, Joel Bouchard was fighting the German army in a German forest when shrapnel injured his leg. He would be treated in a MASH unit and then have several follow-up surgeries in an English Hospital. Because of the injury, Joel's' right leg is paralyzed from the knee down. The injury prohibited him from retuning to his job in a ball bearing plant. Thankfully, a program created in 1945 by the Joseph Bulova School of Watchmaking would provide Joel a new beginning. The Bulova family established the school to allow disabled veterans to be self-sufficient. Jewelers throughout the country committed over 1500 positions to the graduates of the school. The son of a blacksmith, Joel excelled as a student and has been a master horologist for half a century.

Mr. Speaker, it is a privilege to honor Joel Bouchard for his service to this country and his courage to overcome his serious injury. Joel serves as an example to us all that there is always hope, and a chance for a new beginning, and it is with great pleasure to recognize him today before this body of Congress and this Nation. Thank you, Joel, for you service to this country. Your story of perseverance serves as an inspiration to us all. I wish you the best in all of you future endeavors.

FLOOR ANNOUNCEMENT BY THE HON. DAVID DREIER ON THE AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 10—9/11 RECOMMENDATIONS IMPLEMENTATION ACT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 2004

Mr. DREIER. Mr. Speaker, the Rules Committee may meet this week to grant a rule which could limit the amendment process for floor consideration of H.R. 10, the 9/11 Recommendations Implementation Act. The Committees on Armed Services, Financial Services, Government Reform, Intelligence and the Judiciary marked-up and ordered the bill reported on September 29, 2004.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by 7 p.m. on Tuesday, October 5th. Members should draft their amendments to the text of the Rules Committee print dated October 4th, which is available for their review on the Rules Committee website.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 5, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 6

9:30 a.m.
Foreign Relations
To hold hearings to examine the impact of current visa policy on international students and researchers.
SD–419

10 a.m.
Health, Education, Labor, and Pensions
Judiciary
To hold joint hearings to examine responding to an ever-changing threat relating to BioShield II.
SH–216
Indian Affairs
Business meeting to consider pending calendar business.
SR–485
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

2:30 p.m.
Armed Services
To hold hearings to examine the report of the Special Advisor to the Director of Central Intelligence for Strategy Regarding Iraqi Weapons of Mass Destruction Programs.
SH–216
Commerce, Science, and Transportation
Competition, Foreign Commerce, and Infrastructure Subcommittee
To hold hearings to examine issues relating to natural gas.
SR–253
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine neglected diseases in East Asia regarding public health programs.
SD–419

OCTOBER 7

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the effect of Federal bankruptcy and pension policy on the financial situation of the airlines.
SR–253
Judiciary
Business meeting to consider pending calendar business.
SD–226

10 a.m.
Joint Economic Committee
To hold hearings to examine the long-run economics of natural gas.
SD–628

OCTOBER 8

9:30 a.m.
Joint Economic Committee
To hold hearings to examine the current employment situation for September.
SD–628

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S10289–S10379

Measures Introduced: Two bills and one resolution were introduced, as follows: S. 2885–2886, and S. Res. 446. **Pages S10365–66**

Measures Reported:

S. 2688, to provide for a report of Federal entities without annually audited financial statements. (S. Rept. No. 108–383).

S. 2686, to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act, with an amendment in the nature of a substitute. (S. Rept. No. 108–384).

H.R. 867, for the relief of Durreshahwar Durreshahwar, Nida Hasan, Asna Hasan, Anum Hasan, and Iqra Hasan.

S. 115, for the relief of Richi James Lesley.

S. 353, for the relief of Denes and Gyorgyi Fulop.

S. 1042, for the relief of Tchisou Tho.

S. 1635, to amend the Immigration and Nationality Act to ensure the integrity of the L–1 visa for intracompany transferees, with an amendment in the nature of a substitute.

S. 1784, to eliminate the safe-harbor exception for certain packaged pseudoephedrine products used in the manufacture of methamphetamine.

S. 2012, for the relief of Luay Lufti Hadad.

S. 2044, for the relief of Alemseghed Mussie Tesfamical.

S. 2089, to allow aliens who are eligible for diversity visas to be eligible beyond the fiscal year in which they applied.

S. 2314, for the relief of Nabil Raja Dandan, Ketty Dandan, Souzi Dandan, Raja Nabil Dandan, and Sandra Dandan.

S. 2331, for the relief of Fereshteh Sani.

Page S10365

Measures Passed:

Congressional Accountability Act: Senate passed H.R. 5122, to amend the Congressional Accountability Act of 1995 to permit members of the Board of Directors of the Office of Compliance to serve for 2 terms, after agreeing to the following amendment proposed thereto as follows: **Page S10378**

Collins (for Lott) Amendment No. 3954, relating to the effective date. **Page S10378**

Honoring Former President Jimmy Carter: Senate agreed to S. Res. 446, honoring former President James Earl (Jimmy) Carter on the occasion of his 80th birthday. **Pages S10378–79**

National Intelligence Reform Act: Senate continued consideration of S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, taking action on the following amendments proposed thereto: **Pages S10296–S10358**

Adopted:

Collins/Lieberman Amendment No. 3950 (to Amendment No. 3705), to make certain technical amendments. **Pages S10309–10**

Collins Amendment No. 3705, to provide for homeland security grant coordination and simplification. **Pages S10296, S10310, S10315–16**

Warner Further Modified Amendment No. 3877, to modify the role of the National Intelligence Director in the appointment of intelligence officials of the United States Government. **Pages S10296, S10327**

Stevens Modified Amendment No. 3829, to modify and clarify the effective date provisions. **Pages S10296, S10329**

Stevens Modified Amendment No. 3826, to modify the duties of the Director of the National Counterterrorism Center as the principal advisor to the President on counterterrorism matters. **Pages S10296, S10330–31**

Roberts Modified Amendment No. 3740, to make certain revisions to the bill, including providing for conforming amendments on responsibilities of the Secretary of Defense pertaining to the National Intelligence Program. **Pages S10296, S10331–32**

Roberts Modified Amendment No. 3748, to clarify the duties and responsibilities of the Ombudsman of the National Intelligence Authority and of the Analytic Review Unit within the Office of the Ombudsman. **Pages S10296, S10332**

Lieberman (for Nelson (FL)) Modified Amendment No. 3841, to require the Secretary of Homeland Security to implement a watchlist for passengers of cruise ships. **Pages S10296, S10351–58**

Lieberman (for Akaka) Modified Amendment No. 3833, to require a report on the implementation of recommendations of the Defense Science Board on preventing and defending against clandestine nuclear attack. **Pages S10351–58**

Collins (for Snowe) Modified Amendment No. 3910, to require a study regarding establishing a secure facility for high-threat international cargo aircraft. **Pages S10351–58**

Lieberman (for Boxer) Amendment No. 3836, to authorize the Secretary of Homeland Security to award grants to improve first-responder communications systems. **Pages S10351–58**

Lieberman (for Inouye) Modified Amendment No. 3757, to require the Secretary of Homeland Security to report to the Congress on the technological capabilities and equipment for Transportation Security Administration field offices. **Pages S10351–58**

Collins (for Domenici) Modified Amendment No. 3859, to provide that an authorized national intelligence center address each of the nuclear terrorism threats, chemical terrorism threats, and biological terrorism threats confronting the United States. **Pages S10351–58**

Collins (for Domenici) Amendment No. 3860, to improve the working relationship between the intelligence community and the National Infrastructure Simulation and Analysis Center. **Pages S10351–58**

Allard Amendment No. 3778, to improve the management of the personnel of the National Intelligence Authority. **Pages S10296, S10351–58**

Collins (for Specter) Modified Amendment No. 3818, to require a study relative to a nationwide interoperable communications network. **Pages S10351–58**

Lieberman (for Jeffords) Modified Amendment No. 3832, to provide for communications equipment interoperability. **Pages S10351–58**

Lieberman (for Bingaman) Amendment No. 3814, to provide the sense of Congress that United States foreign assistance should be provided to South Asia, Southeast Asia, West Africa, the Horn of Africa, North and North Central Africa, the Arabian peninsula, Central and Eastern Europe, and South America to prevent the establishment of terrorist sanctuaries. **Pages S10351–58**

Lieberman (for Hollings) Amendment No. 3901, to require certain overdue reports relating to maritime security to be transmitted to the Congress within 90 days. **Pages S10351–58**

Reid (for Durbin) Amendment No. 3923, to ensure the balance of privacy and civil liberties. **Pages S10344, S10351–58**

Lieberman (for Levin/Coleman) Modified Amendment No. 3867, to curtail the international financing of terrorism, and to impose a one-year cooling off period for former Federal bank examiners. **Pages S10351–58**

Collins (for Allard) Modified Amendment No. 3722, to facilitate the utilization of United States commercial remote sensing space capabilities for filling imagery and geospatial information requirements. **Pages S10351–58**

Levin/Alexander Amendment No. 3825, to permit reviews of criminal records of applicants for private security officer employment. **Pages S10321–22, S10351–58**

Lieberman (for Feingold) Modified Amendment No. 3762, to improve information-sharing by the national intelligence centers. **Pages S10351–58**

Lieberman (for Kennedy) Amendment No. 3952, to provide protections for human subjects in research conducted or supported by the Department of Homeland Security.

Rejected:

Byrd Amendment No. 3845, to enhance the role of Congress in the oversight of the intelligence and intelligence-related activities of the United States Government. (By 62 yeas to 29 nays (Vote No.195), Senate tabled the amendment.) **Pages S10296–S10309, S10310–15, S10327–29**

Collins (for Stevens) Modified Amendment No. 3903, to modify the provisions relating to the availability to the public of intelligence funding information. (By 55 yeas to 37 nays (Vote No. 196), Senate tabled the amendment.) **Pages S10296, S10324–27, S10329–30**

Subsequently, the motion to reconsider the vote by which Senate tabled Collins (for Stevens) Modified Amendment No. 3903 (listed above) was tabled. **Page S10330**

Withdrawn:

Roberts Amendment No. 3741, to permit the National Intelligence Director to modify National Intelligence Program budgets before their approval and submittal to the President. **Pages S10296, S10332**

Roberts Amendment No. 3744, to clarify the limitation on the transfer of funds and personnel and to preserve and enhance congressional oversight of intelligence activities. **Pages S10296, S10332**

Roberts Amendment No. 3751, to clarify the responsibilities of the Secretary of Defense pertaining to the National Intelligence Program. **Pages S10296, S10332**

Pending:

Lautenberg Amendment No. 3767, to specify that the National Intelligence Director shall serve for one or more terms of up to 5 years each. **Page S10296**

Kyl Amendment No. 3801, to modify the privacy and civil liberties oversight. **Page S10296**

Feinstein Amendment No. 3718, to improve the intelligence functions of the Federal Bureau of Investigation. **Page S10296**

Stevens Amendment No. 3839, to strike section 201, relating to public disclosure of intelligence funding. **Page S10296**

Ensign Amendment No. 3819, to require the Secretary of State to increase the number of consular officers, clarify the responsibilities and functions of consular officers, and require the Secretary of Homeland Security to increase the number of border patrol agents and customs enforcement investigators. **Page S10296**

Reid (for Schumer) Amendment No. 3887, to amend the Foreign Intelligence Surveillance Act of 1978 to cover individuals, other than United States persons, who engage in international terrorism without affiliation with an international terrorist group. **Page S10296**

Reid (for Schumer) Amendment No. 3888, to establish the United States Homeland Security Signal Corps to ensure proper communications between law enforcement agencies. **Page S10296**

Reid (for Schumer) Amendment No. 3889, to establish a National Commission on the United States-Saudi Arabia Relationship. **Page S10296**

Reid (for Schumer) Amendment No. 3890, to improve the security of hazardous materials transported by truck. **Page S10296**

Reid (for Schumer) Amendment No. 3891, to improve rail security. **Page S10296**

Reid (for Schumer) Amendment No. 3892, to strengthen border security. **Page S10296**

Reid (for Schumer) Amendment No. 3893, to require inspection of cargo at ports in the United States. **Page S10296**

Reid (for Schumer) Amendment No. 3894, to amend the Homeland Security Act of 2002 to enhance cybersecurity. **Page S10296**

Leahy/Grassley Amendment No. 3945, to require Congressional oversight of translators employed and contracted for by the Federal Bureau of Investigation. **Page S10296**

Reed Amendment No. 3908, to authorize the Secretary of Homeland Security to award grants to public transportation agencies to improve security. **Page S10296**

Reid (for Corzine/Lautenberg) Amendment No. 3849, to protect human health and the environment from the release of hazardous substances by acts of terrorism. **Page S10296**

Reid (for Lautenberg) Amendment No. 3782, to require that any Federal funds appropriated to the Department of Homeland Security for grants or other assistance be allocated based strictly on an assessment of risks and vulnerabilities. **Page S10296**

Reid (for Lautenberg) Amendment No. 3905, to provide for maritime transportation security. **Page S10296**

Reid (for Harkin) Amendment No. 3821, to modify the functions of the Privacy and Civil Liberties Oversight Board. **Page S10296**

Roberts Amendment No. 3739, to ensure the sharing of intelligence information in a manner that promotes all-sources analysis and to assign responsibility for competitive analysis. **Page S10296**

Roberts Amendment No. 3750, to clarify the responsibilities of the Directorate of Intelligence of the National Counterterrorism Center for information-sharing and intelligence analysis. **Page S10296**

Roberts Amendment No. 3747, to provide the National Intelligence Director with flexible administrative authority with respect to the National Intelligence Authority. **Page S10296**

Roberts Amendment No. 3742, to clarify the continuing applicability of section 504 of the National Security Act of 1947 to the obligation and expenditure of funds appropriated for the intelligence and intelligence-related activities of the United States. **Page S10296**

Kyl Amendment No. 3926, to amend the Immigration and Nationality Act to ensure that non-immigrant visas are not issued to individuals with connections to terrorism or who intend to carry out terrorist activities in the United States. **Page S10296**

Kyl Amendment No. 3881, to protect crime victims' rights. **Page S10296**

Kyl Amendment No. 3724, to strengthen anti-terrorism investigative tools, promote information sharing, punish terrorist offenses. **Page S10296**

Stevens Amendment No. 3827, to strike section 206, relating to information sharing. **Pages S10296, S10331**

Stevens Amendment No. 3840, to strike the fiscal and acquisition authorities of the National Intelligence Authority. **Page S10296**

Stevens Amendment No. 3882, to propose an alternative section 141, relating to the Inspector General of the National Intelligence Authority. **Page S10296**

Collins (for Inhofe) Amendment No. 3946 (to Amendment No. 3849), in the nature of a substitute. **Page S10296**

Sessions Amendment No. 3928, to require aliens to make an oath prior to receiving a nonimmigrant visa. **Page S10296**

Sessions Amendment No. 3873, to protect railroad carriers and mass transportation from terrorism. **Page S10296**

Sessions Amendment No. 3871, to provide for enhanced Federal, State, and local enforcement of the immigration laws. **Pages S10296, S10344–45**

Sessions Amendment No. 3870, to make information sharing permanent under the USA PATRIOT Act. **Page S10296**

Warner Amendment No. 3876, to preserve certain authorities and accountability in the implementation of intelligence reform. **Page S10296**

Collins (for Cornyn) Amendment No. 3803, to provide for enhanced criminal penalties for crimes related to alien smuggling. **Page S10296**

Collins (for Baucus/Roberts) Modified Amendment No. 3768, to require an annual report on the allocation of funding within the Office of Foreign Assets Control of the Department of the Treasury. **Page S10296**

Frist (for McConnell) Amendment No. 3930, to clarify that a volunteer for a federally-created citizen volunteer program and for the program's State and local affiliates is protected by the Volunteer Protection Act. **Page S10296**

Frist (for McConnell) Amendment No. 3931, to remove civil liability barriers that discourage the donation of equipment to volunteer fire companies. **Page S10296**

Levin Modified Amendment No. 3809, to exempt military personnel from certain personnel transfer authorities. **Pages S10321–22**

Levin Amendment No. 3810, to clarify the definition of National Intelligence Program. **Pages S10321–22**

Stevens Amendment No. 3830, to modify certain provisions relating to the Central Intelligence Agency. **Page S10331**

Warner Amendment No. 3875, to clarify the definition of National Intelligence Program. **Pages S10334–38**

Warner Amendment No. 3874, to provide for the treatment of programs, projects, and activities within the Joint Military Intelligence Program and Tactical Intelligence and Related Activities programs as of the date of the enactment of the Act. **Pages S10334–38**

Reid (for Leahy) Amendment No. 3913, to address enforcement of certain subpoenas. **Pages S10338–39**

Reid (for Leahy) Amendment No. 3915, to establish criteria for placing individuals on the consolidated screening watch list of the Terrorist Screening Center. **Pages S10338–39**

Reid (for Leahy) Amendment No. 3916, to strengthen civil liberties protections. **Pages S10338–39**

Collins (for Frist) Modified Amendment No. 3895, to establish the National Counterproliferation Center within the National Intelligence Authority. **Pages S10342–44**

Collins (for Frist) Amendment No. 3896, to include certain additional Members of Congress among the congressional intelligence committees. **Pages S10342–44**

Sessions (for Grassley) Amendment No. 3850, to require the inclusion of information regarding visa revocations in the National Crime Information Center database. **Page S10345**

Sessions (for Grassley) Amendment No. 3851, to clarify the effects of revocation of a visa. **Page S10345**

Sessions (for Grassley) Amendment No. 3855, to combat money laundering and terrorist financing, to increase the penalties for smuggling goods into the United States. **Page S10345**

Sessions (for Grassley) Amendment No. 3856, to establish a United States drug interdiction coordinator for Federal agencies. **Page S10345**

Sessions/Ensign Amendment No. 3872, to amend the Immigration and Nationality Act to require fingerprints on United States passports and to require countries desiring to participate in the Visa Waiver Program to issue passports that conform to the biometric standards required for United States passports. **Page S10345**

A unanimous-consent agreement was reached providing that Members have until 9:45 a.m. on Tuesday, October 5, 2004, in order to file second degree amendments as under rule 22. **Page S10379**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:40 a.m., Tuesday, October 4, 2004, with a vote on the motion to invoke cloture to occur at 9:45 a.m. **Page S10379**

Miscellaneous Trade and Technical Corrections Act: Senate insisted on its amendment, agreed to the House request for a conference, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Grassley, Frist, and Baucus. **Page S10379**

Appointments:

Commission on the Abraham Lincoln Study Abroad Fellowship Program: The Chair, on behalf of the Majority Leader and Democratic Leader of the Senate and the Speaker of the House of Representatives and Minority Leader of the House of Representatives, pursuant to Public Law 108–199, Section 104(c)(1), announced the joint appointment of the following individual to serve as Chairman of the

Commission on the Abraham Lincoln Study Abroad Fellowship Program: Peter McPherson. Page S10378

Executive Communications: Pages S10363–65

Executive Reports of Committees: Page S10365

Additional Cosponsors: Pages S10366–67

Statements on Introduced Bills/Resolutions: Pages S10367–69

Additional Statements: Pages S10362–63

Amendments Submitted: Pages S10369–77

Notices of Hearings/Meetings: Page S10377

Authority for Committees to Meet: Page S10377

Privilege of the Floor: Page S10378

Record Votes: Two record votes were taken today. (Total—196) Pages S10328–29, S10330

Adjournment: Senate convened at 10 a.m., and adjourned at 9:18 p.m., until 9 a.m., on Tuesday, October 5, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10379.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1784, to eliminate the safe-harbor exception for certain packaged pseudoephedrine products used in the manufacture of methamphetamine;

S. 2089, to allow aliens who are eligible for diversity visas to be eligible beyond the fiscal year in which they applied;

S. 115, for the relief of Richi James Lesley;

S. 2331, for the relief of Fereshteh Sani;

S. 1042, for the relief of Tchisou Tho;

S. 2314, for the relief of Nabil Raja Dandan, Ketty Dandan, Souzi Dandan, Raja Nabil Dandan, and Sandra Dandan;

S. 353, for the relief of Denes and Gyorgyi Fulop;

H.R. 867, for the relief of Durreshahwar Durreshahwar, Nida Hasan, Asna Hasan, Anum Hasan, and Iqra Hasan;

S. 2012, for the relief of Luay Lufti Hadad;

S. 2044, for the relief of Alemseghed Mussie Tesfamical; and

The nominations of Susan Bieke Neilson, of Michigan, to be United States Circuit Judge for the Sixth Circuit, Christopher A. Boyko, to be United States District Judge for the Northern District of Ohio, and Beryl A. Howell, of the District of Columbia, to be a Member of the United States Sentencing Commission.

House of Representatives

Chamber Action

Measures Introduced: 9 public bills, H.R. 5201–5209; and 6 resolutions, H. Con. Res. 508–509, and H. Res. 815–818, were introduced. Page H8038

Additional Cosponsors: Pages H8038–39

Reports Filed: Reports were filed today as follows:

S. 551, to provide for the implementation of air quality programs developed in accordance with an Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation (H. Rept. 108–712, Pt. 2);

S. 1814, to transfer federal lands between the Secretary of Agriculture and the Secretary of the Interior (H. Rept. 108–716, Pt. 1);

H.R. 3176, to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, amended (H. Rept. 108–717);

H.R. 4389, to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California (H. Rept. 108–718, Pt. 1);

H.R. 3391, to authorize the Secretary of the Interior to convey certain lands and facilities of the Provo River Project, amended (H. Rept. 108–719);

H.R. 4593, to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, amended (H. Rept. 108–720);

H.R. 4667, to authorize and facilitate hydroelectric power licensing of the Tapoco Project (H. Rept. 108–721, Pt. 1);

Investigation of Certain Allegations Related to Voting on the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (H. Rept. 108–722);

H. Res. 814, providing for consideration of S. 878, to authorize an additional permanent judgeship in the district of Idaho (H. Rept. 108–723); and

H.R. 10, to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, amended (H. Rept. 108–724, Pts. 1, 2 and 3). **Pages H8037–38**

Speaker: Read a letter from the Speaker wherein he appointed Representative Shuster to act as Speaker pro tempore for today. **Page H7947**

Recess: The House recessed at 12:37 p.m. and reconvened at 2 p.m. **Page H7948**

Commission on the Abraham Lincoln Study Abroad Fellowship Program: The Chair announced that the Speaker and Minority Leader, with the Majority and Minority Leaders of the Senate, jointly appointed Mr. Melville Peter McPherson of East Lansing, Michigan as Chairman of the Commission on the Abraham Lincoln Study Abroad Fellowship Program. **Page H7948**

Commission on Systemic Interoperability: The Chair announced the Speaker's appointment of Mr. Gary A. Mecklenburg of Chicago, Illinois, and Dr. Don E. Detmer of Crozet, Virginia, to the Commission on Systemic Interoperability. **Page H7948**

Advisory Committee on Student Financial Assistance: The Chair announced the Speaker's appointment of Ms. Norine Fuller of Arlington, Virginia, to the Advisory Committee on Student Financial Assistance for a three-year term. **Page H7948**

Election Assistance Commission Board of Advisors: Read a letter from the Minority Leader wherein she appointed Mr. Douglas H. Palmer of Trenton, New Jersey to the Election Assistance Commission Board of Advisors. **Page H7949**

Assignment of reserved bill numbers: Agreed that the numbers H.R. 3, H.R. 9, and H.R. 10 shall be available during the 2d session of the 108th Congress for assignment by the Speaker to such bills as he may designate. **Page H7950**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Petrified Forest National Park Expansion Act of 2003: H.R. 1630, amended, to revise the boundary of the Petrified Forest National Park in the State of Arizona; **Pages H7950–51**

Taunton, Massachusetts Special Resources Study Act: H.R. 2129, amended, to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System; **Pages H7951–52**

Facilitating the resolution of a minor boundary encroachment on Union Pacific Railroad Company lands: H.R. 4817, amended, to facilitate the resolution of a minor boundary encroachment on lands of the Union Pacific Railroad Company in Tipton, California; **Page H7952**

Recognizing that November 2, 2003 shall be dedicated to "A Tribute to Survivors" at the U.S. Holocaust Museum: S. Con. Res. 76, recognizing that November 2, 2003, shall be dedicated to "A Tribute to Survivors" at the United States Holocaust Memorial Museum, by a 2/3 yea-and-nay vote of 331 yeas with none voting "nay", Roll No. 487; **Pages H7952–54, H7979**

Tapoco Project Licensing Act of 2004: S. 2319, to authorize and facilitate hydroelectric power licensing of the Tapoco Project—clearing the measure for the President; **Pages H7954–55**

Edward H. McDaniel American Legion Post No. 22 Land Conveyance Act: S. 1521, amended, to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community; **Pages H7955–58**

Agreed to amend the title so as to read: to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community. **Page H7958**

Lincoln County Conservation, Recreation, and Development Act of 2004: H.R. 4593, amended, to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada; **Pages H7958–65**

Amending the Reclamation Wastewater and Groundwater Study and Facilities Act: H.R. 2960, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Brownsville Public Utility Board water recycling and desalinization project; **Page H7965**

Provo River Project Transfer Act: H.R. 3391, amended, to authorize the Secretary of the Interior to convey certain lands and facilities of the Provo River Project; **Pages H7965–67**

Authorizing the construction of facilities to provide water for various uses from the Santa Margarita River in California: H.R. 4389, amended, to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California; **Pages H7967–69**

Directing the Secretary of the Interior to convey land held for the Paiute Indian Tribe of Utah to the City of Richfield, Utah: H.R. 3982, to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah; **Pages H7969–70**

Alaska Native Allotment Subdivision Act: S. 1421, to authorize the subdivision and dedication of

restricted land owned by Alaska Natives—clearing the measure for the President; **Pages H7970–71**

Noxious Weed Control Act of 2004: S. 144, amended, to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land; **Pages H7971–72**

Agreed to amend the title so as to read: to require the Secretary of Agriculture to establish a program to provide assistance to eligible weed management entities to control or eradicate noxious weeds on public and private land. **Page H7972**

Transferring federal lands between the Secretaries of Agriculture and the Interior: S. 1814, to transfer federal lands between the Secretary of Agriculture and the Secretary of the Interior, by a ⅔ yea-and-nay vote of 333 yeas with none voting "nay", Roll No. 488—clearing the measure for the President; **Pages H7972–74, H7979–80**

Congratulating the American Dental Association for sponsoring the second annual "Give Kids a Smile" program: H. Res. 567, congratulating the American Dental Association for sponsoring the second annual "Give Kids a Smile" program, by a ⅔ yea-and-nay vote of 338 yeas with none voting "nay", Roll No. 489; **Pages H7974–76, H7980–81**

Southern Ute and Colorado Intergovernmental Agreement Implementation Act of 2003: S. 551, to provide for the implementation of air quality programs developed in accordance with an Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation—clearing the measure for the President; **Pages H7976–77**

Clarifying the treatment of supplemental appropriations for continuing appropriations for FY05: H.R. 5202, to clarify the treatment of supplemental appropriations in calculating the rate for operations applicable for continuing appropriations for fiscal year 2005; **Pages H7977–78**

North Korean Human Rights Act of 2004: Agree to the Senate amendment to H.R. 4011, to promote human rights and freedom in the Democratic People's Republic of Korea—clearing the measure for the President; **Pages H7981–86**

Urging the Government of Ukraine to ensure a democratic election process for the presidential election on October 31, 2004: H. Con. Res. 415, amended, urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004; **Pages H7986–89**

Belarus Democracy Act of 2003: H.R. 854, amended, to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence; **Pages H8089–92**

Commending Greece for the successful completion of the 2004 Summer Olympic Games: H. Res. 774, commending the people and Government of Greece for the successful completion of the 2004 Summer Olympic Games; **Pages H7992–94**

Expressing the sense of Congress regarding oppression of Falun Gong in the U.S. and in China: H. Con. Res. 304, expressing the sense of Congress regarding oppression by the Government of the People's Republic of China of Falun Gong in the United States and in China; and **Pages H7994–97**

Expressing the sense of Congress with regard to providing humanitarian assistance to countries of the Caribbean devastated by hurricanes: H. Con. Res. 496, amended, expressing the sense of Congress with regard to providing humanitarian assistance to countries of the Caribbean devastated by Hurricanes Charley, Frances, Ivan, and Jeanne. **Pages H7997–H1800**

Recess: The House recessed at 3:18 and reconvened at 4:17 p.m. **Page H7977**

Recess: The House recessed at 4:27 p.m. and reconvened at 6:30 p.m. **Page H7978**

Senate Message: Message received from the Senate today appears on page H7948.

Senate Referrals: S. 2273 was referred to the Committee on Transportation & Infrastructure; S. 2435 was referred to the Committee on Government Reform; S. 2495 was referred to the Committee on Resources; S. 2882 was referred to the Committee on the Judiciary; and S. 2883 and S. 2884 were held at the desk. **Page H8034**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today. There were no quorum calls. **Pages H7979, H7979–80, H7980–81**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H8039.

Adjournment: The House met at 12:30 p.m. and adjourned at 12 midnight.

Committee Meetings

BANKRUPTCY JUDGESHIP ACT

Committee on Rules: Granted, by voice vote, a structured rule providing one hour of general debate on S. 878, Bankruptcy Judgeship Act of 2003, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the committee amendment in the nature of

a substitute. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report may be offered only in the order designated in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Sensenbrenner and Representatives Simpson and Berman.

Joint Meetings

AMERICAN JOBS CREATION ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 4520, to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad, but did not complete action thereon.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D947)*

H.R. 5149, to reauthorize the Temporary Assistance for Needy Families block grant program through March 31, 2005. Signed on September 30, 2004. (Public Law 108–308)

H.J. Res. 107, making continuing appropriations for the fiscal year 2005. Signed on September 30, 2004. (Public Law 108–309)

COMMITTEE MEETINGS FOR TUESDAY, OCTOBER 5, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the nomination of Pamela Hughes Patenaude, of New Hampshire, to be an Assistant Secretary of Housing and Urban Development, 2:30 p.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine issues relating to E-Rate, 9:30 a.m., SR–253.

Committee on Foreign Relations: to hold hearings to examine the progress of the Millennium Challenge Corporation, 9:30 a.m., SD–419.

Committee on Governmental Affairs: to hold hearings to examine the nomination of Gregory E. Jackson, to be an Associate Judge of the Superior Court of the District of Columbia, 10 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine public-private partnerships to improve nutrition and increase physical activity in children, 10 a.m., SD–430.

Committee on the Judiciary: to hold hearings to examine opening the presidency to naturalized Americans, 10 a.m., SD–226.

Committee on Rules and Administration: business meeting to consider S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence, 9:30 a.m., SR–305.

House

Committee on Appropriations, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Influenza Vaccine, 9:30 a.m., 2358 Rayburn.

Committee on Government Reform, Subcommittee on National Security, Emerging Threats and International Relations, hearing entitled ''The U.N. Oil for Food Program: Cash Cow Meets Paper Tiger,'' 11 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Europe, to mark up the following measures: H. Res. 726, Congratulating the people of Serbia and government of Serbia for conducting a democratic, free and fair presidential election and for reaffirming Serbia's commitment to peace, democracy and the rule of law; H.R. 733, Calling on the Government of Libya to review the legal actions taken against several Bulgarian medical workers; H. Res. 341, Urging the President of the European Union to add Hezbollah to the European Union's wide-ranging list of terrorist organizations; H. Res. 483, Pledging continued United States support for the sovereignty, independence, territorial integrity, and democratic and economic reforms of the Republic of Georgia; and H. Con. Res. 412, Relating to the reunification of Cyprus, 1:30 p.m., 2200 Rayburn.

Committee on the Judiciary, Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on Peer-to-Peer Piracy (P2P) on University Campuses: An Update, 9 a.m., 2141 Rayburn.

Joint Meetings

Conference: Meeting of conferees on H.R. 4850, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, 5 p.m., H–140, Capitol.

Next Meeting of the **SENATE**

9 a.m., Tuesday, October 5

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 9:40 a.m.), Senate will continue consideration of S. 2845, National Intelligence Reform Act, with a vote on the motion to invoke cloture to occur at 9:45 a.m.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Tuesday, October 5

House Chamber

Program for Tuesday: Consideration of Suspensions:

(1) H. Con. Res. 306—Honoring the service of Native American Indians in the United States Armed Forces;

(2) H. Con. Res. 480—Recognizing the spirit of Jacob Mock Doub and his contribution to encouraging youth to be physically active and fit and expressing the sense of Congress that ''National Take a Kid Mountain Biking Day'' should be established in Jacob Mock Doub's honor;

(3) H.R. 918—Patient Navigator, Outreach, and Chronic Disease Prevention Act of 2003;

(4) H.R. 3015—National All Schedules Prescription Electronic Reporting Act of 2003;

(5) H.R. 3858—Pancreatic Islet Cell Transplantation Act of 2004;

(6) H.R. 2023—Asthmatic Schoolchildren's Treatment and Health Management Act of 2004;

(7) H.R. 4555—Mammography Quality Standards Reauthorization Act of 2004;

(8) H.R. 2929—Safeguard Against Privacy Invasions (SPY) Act;

(9) H. Con. Res. 250—Recognizing community organization of public access defibrillation programs;

(10) H. Con. Res. 34—Expressing the sense of the Congress that private health insurance companies should take a proactive role in promoting healthy lifestyles;

(11) H.R. 4504—Orderly and Timely Interstate Placement of Foster Children Act of 2004;

(12) H.J. Res. 57—Expressing the sense of the Congress in recognition of the contributions of the seven Columbia astronauts by supporting establishment of a Columbia Memorial Space Science Learning Center; and

(13) H.R. 5011—Military Personnel Financial Services Protection Act.

Consideration of S. 878, Bankruptcy Judgeship Act of 2003 (structured rule, one hour of debate).

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